

FEDERAL REGISTER

VOLUME 22

NUMBER 62

Washington, Saturday, March 30, 1957

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

In order to reflect approval which has been given to increased interest rates on loans closed through national farm loan associations by the Federal Land Banks of Baltimore and Wichita, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (21 F. R. 10167; 22 F. R. 133, 653, 1318, 1586), is hereby further amended, effective April 1, 1957, by substituting "5½" for "5" in the line with "Baltimore" therein; and, effective April 2, 1957, by substituting "5" for "4½" in the line with "Wichita" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 685. Interprets or applies secs. 12 "Second", 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 57—2423; Filed, Mar. 29, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 60-5]

PART 60—AIR TRAFFIC RULES

HIGH ALTITUDE QUADRANTAL RULES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of March 1957.

Section 60.32 of Part 60 of the Civil Air Regulations currently establishes cruising altitudes appropriate to the direction of flight for the "elsewhere" area and authorizes the Administrator to specify cruising altitudes within control zones and areas. These altitude rules must be observed when flight is being conducted at or above 3,000 feet above the surface under visual flight rules (VFR) on civil airways, and in the "elsewhere" area

when visibility is less than 3 miles. Section 60.44 requires aircraft being operated under instrument flight rules (IFR) to be flown at altitudes authorized by air traffic control within controlled airspace; and to be flown at prescribed altitudes appropriate to the direction of flight when in the "elsewhere" area. The purpose of the provisions for VFR cruising altitudes in § 60.32 is to provide aircraft operating in accordance with the altitudes prescribed therein or specified by the Administrator with at least 1,000 feet vertical separation when operating on reciprocal courses and at least 500 feet separation when operating on crossing courses. Likewise, the purpose of the provisions for IFR cruising altitudes in § 60.44 is to provide separation between those aircraft operating in accordance with the altitudes prescribed therein or the assigned altitudes authorized by air traffic control.

It has now been well established, however, that altimeter system errors increase significantly with increases in altitude and air speed. For example, experience has shown that aircraft which take off from a common point with the same altimeter settings may have altimeter readings which differ as much as 1,000 feet upon reaching a common altitude at or above 29,000 feet. In fact, considerably greater differences have been found to be possible theoretically at these altitudes. As a consequence of this increase in altimeter error with increase in altitude, the safety inherent in the current quadrantal altitude rules actually diminishes as altitude is increased, thereby decreasing the margin of safety at the higher altitudes. Although a considerable amount of research and development is presently being done concerning an improved instrument for measuring altitude, it undoubtedly will be some time before the development, manufacture, procurement, and installation of such an instrument is accomplished.

In order to increase this margin of safety, this amendment establishes high altitude quadrantal rules which will apply to all flights conducted in the airspace at 29,000 feet and above, except

(Continued on p. 2097)

CONTENTS

Agricultural Marketing Service	Page
Proposed rule making:	
Cucumbers grown in Florida.....	2187
Milk; in Shreveport, La., marketing area.....	2133
Prunes, dried; produced in California.....	2135
Rules and regulations:	
Lemons grown in California and Arizona.....	2112
Milk; in marketing areas of:	
Central Arkansas.....	2102
Central Mississippi.....	2121
Muskegon, Michigan.....	2119
South Bend-La Porte, Indiana.....	2113
Toledo, Ohio.....	2104
Oranges, grapefruit, and tangerines; grown in Florida (3 documents).....	2110-2112
Oranges grown in Arizona and designated part of California:	
Navel.....	2103
Valencia.....	2104
Agriculture Department	
See Agricultural Marketing Service.	
Army Department	
See Engineers Corps.	
Atomic Energy Commission	
Notices:	
Work experience program for civilian application.....	2139
Business and Defense Services Administration	
Rules and regulations:	
Metalworking machines; scheduling of deliveries.....	2127
Civil Aeronautics Administration	
Notices:	
Standard instrument approach procedures; alterations.....	2097
Civil Aeronautics Board	
Notices:	
Stern, Henry, Air Corp.; interlocking relationship; hearing.....	2139
Rules and regulations:	
Air traffic; high altitude quadrantal rules.....	2095



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Titles 4 and 5 (\$1.00)
Title 7: Parts 1-209 (\$1.75)
Titles 10-13 (\$1.00)

Previously announced: Title 3, 1956 Supp. (\$0.40); Title 7, Parts 900-959 (\$0.50); Part 960 to end (\$1.25); Title 9 (\$0.70); Title 17 (\$0.60); Title 18 (\$0.50); Title 20 (\$1.00); Title 21 (\$0.50); Title 24 (\$1.00); Title 26, Parts 1-79 (\$0.35), Parts 80-169 (\$0.50), Parts 170-182 (\$0.35), Parts 183-299 (\$0.30), Part 300 to end, Ch. I, and Title 27 (\$1.00); Title 32, Parts 700-799 (\$0.50), Parts 1100 to end (\$0.50); Title 39 (\$0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Commerce Department

Page

See Business and Defense Services Administration; Civil Aeronautics Administration; Federal Maritime Board; Maritime Administration.

Defense Department

See Engineers Corps.

CONTENTS—Continued

Engineers Corps

Page

Rules and regulations:
South Fork of New River, Florida; bridge regulation..... 2128

Farm Credit Administration

Rules and regulations:
Federal land banks; interest rates on loans made through associations..... 2095

Federal Maritime Board

Merchant Marine training; State Maritime Academies; regulations and minimum standards (see Maritime Administration).

Federal Power Commission

Notices:
Public Utility District No. 1 of Chelan County, Washington; continuance of hearing..... 2139

Federal Trade Commission

Rules and regulations:
Cease and desist orders:
Otarion, Inc., and Leland E. Rosemond..... 2122
Simplicity Pattern Co., Inc..... 2122

Fish and Wildlife Service

Rules and regulations:
Hunting; public permitted on Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin..... 2129

General Services Administration

Notices:
Report of purchases under domestic purchase regulation..... 2140
Slick Rock Housing Project, Slick Rock, Colorado; delegation of authority for disposal to Chairman, Atomic Energy Commission..... 2139

Interior Department

See Fish and Wildlife Service; Land Management Bureau; Mines Bureau; Reclamation Bureau.

Internal Revenue Service

Rules and regulations:
Procedure and administration; jeopardy, bankruptcy, and receiverships..... 2123

Interstate Commerce Commission

Notices:
New York, New Jersey, and Pennsylvania; increased commutation passenger fares..... 2140
New York, Ontario and Western Railway Co.; diversion and re-routing of traffic..... 2140

Land Management Bureau

Notices:
Proposed withdrawal and reservation of lands:
Colorado..... 2138
Iowa..... 2138

Maritime Administration

Rules and regulations:
Merchant Marine training; State Maritime Academies; regulations and minimum standards..... 2128

CONTENTS—Continued

Mines Bureau

Page

Notices:
Officials, various; Region V; delegation of authority to execute contracts..... 2138

Reclamation Bureau

Notices:
Klamath Irrigation Project, Oregon-California; annual water charges..... 2138

Securities and Exchange Commission

Notices:
Hearings, etc.:
Columbia Gas System, Inc..... 2142
Eastern Utilities Associates et al..... 2141
Manila Electric Co. and General Public Utilities Corp..... 2140
National Bankers Life Insurance Co..... 2142
Nippon Electric Power Co., Ltd..... 2141

Small Business Administration

Rules and regulations:
Small business size standards; miscellaneous amendments..... 2121

Treasury Department

See Internal Revenue Service.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6	Page
Chapter I:	
Part 10.....	2095
Title 7	
Chapter IX:	
Part 908.....	2102
Part 914.....	2103
Part 922.....	2104
Part 930.....	2104
Part 933 (3 documents).....	2110-2112
Part 953.....	2112
Part 966 (proposed).....	2133
Part 967.....	2113
Part 985.....	2119
Part 987.....	2121
Part 993 (proposed).....	2135
Part 1015 (proposed).....	2137

Title 13

Chapter II:
Part 103..... 2121

Title 14

Chapter I:
Part 60..... 2095
Chapter II:
Part 609..... 2097

Title 16

Chapter I:
Part 13 (2 documents)..... 2122

Title 26 (1954)

Chapter I:
Part 301..... 2123

Title 32A

Chapter VI (BDSA):
M-41, Dir. 1..... 2127

CODIFICATION GUIDE—Con.

Title 33	Page
Chapter II:	
Part 203	2128
Title 46	
Chapter II:	
Part 310	2128
Title 50	
Chapter I:	
Part 33	2129

IFR flights at assigned altitudes. These rules will provide aircraft operating VFR on reciprocal courses with minimum vertical separation of at least 2,000 feet and aircraft operating on crossing courses with at least 1,000 feet.

At 29,000 feet and above the following altitude-direction relationship will apply:

- (1) 0° to 89° inclusive—29,000; 33,000; etc.
- (2) 90° to 179° inclusive—30,000; 34,000; etc.
- (3) 180° to 269° inclusive—31,000; 35,000; etc.
- (4) 270° to 359° inclusive—32,000; 36,000; etc.

The 29,000-foot altitude has been selected because of the magnitude of altimeter errors and the increase in the number of high speed aircraft at this altitude and above. This altitude appears appropriate also because of special procedures currently in effect whereby vertical separation of 2,000 feet is provided by air traffic control to all IFR traffic operating above 29,000 feet.

It is recognized, of course, that these quadrantal rules will have some adverse effect on the climb-cruise procedure common to jet operations and will reduce the number of available flight levels in a given direction. Nevertheless, the Board believes that these high altitude quadrantal rules are essential to safety since they will substantially minimize the collision hazard at high altitude created by the inaccuracies of the present-day altimeter and the typically higher speeds of aircraft operating at these altitudes.

In Draft Release No. 56-14, dated June 4, 1956, in which this amendment was proposed and circulated for comment, attention was also directed to a suggested modification to this amendment which would have increased the flight altitudes proposed therein by 500 feet; i. e., 29,500, 33,500, etc. The stated purpose of the proposed modification was to provide some separation between an IFR aircraft at an assigned altitude and a VFR aircraft operated in accordance with the cruising altitudes established pursuant to this amendment. Comment received with respect to the suggested modification was adverse since no significant safety advantage was indicated and the rule would be made unduly complicated. Therefore, this amendment is being adopted without being so modified.

Since the cruising rules in effect in Part 60 will not provide for separation between IFR aircraft at certain assigned altitudes and VFR aircraft operated in accordance with VFR cruising altitude rules, it remains the responsibility of all pilots operating in VFR weather condi-

tions, even while cruising at an assigned altitude authorized by air traffic control, to maintain a vigilant watch so as to observe and avoid other conflicting traffic. In order to alert all pilots to this responsibility, this amendment revises the notes following §§ 60.32 and 60.44. The current note following § 60.44 is being deleted to dispel possible ambiguity as to its relation to the altitudes assigned for IFR flight in controlled areas.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 2905), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective April 30, 1957.

1. By amending § 60.32 to read as follows:

§ 60.32 *Cruising altitudes.* When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, it shall be operated in accordance with the following cruising altitudes:

(a) *Within control zones and control areas below 29,000 feet.* At an odd or even thousand-foot altitude appropriate to the direction of flight as specified by the Administrator.

(b) *Elsewhere below 29,000 feet.* When the flight visibility is less than 3 miles, at an altitude appropriate to the magnetic course being flown as follows:

- (1) 0° to 89° inclusive, at odd thousands (3,000; 5,000; etc.).
- (2) 90° to 179° inclusive, at odd thousands plus 500 (3,500; 5,500; etc.).
- (3) 180° to 269° inclusive, at even thousands (4,000; 6,000; etc.).
- (4) 270° to 359° inclusive, at even thousands plus 500 (4,500; 6,500; etc.).

(c) *Everywhere at or above 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

- (1) 0° to 89° inclusive, at 4,000-foot intervals beginning at 29,000 (29,000; 33,000; etc.).
- (2) 90° to 179° inclusive, at 4,000-foot intervals beginning at 30,000 (30,000; 34,000; etc.).
- (3) 180° to 269° inclusive, at 4,000-foot intervals beginning at 31,000 (31,000; 35,000; etc.).
- (4) 270° to 359° inclusive, at 4,000-foot intervals beginning at 32,000 (32,000; 36,000; etc.).

NOTE: Pilots are advised that the cruising altitude rules do not, in all cases, provide vertical separation from all other aircraft. Pilots operating in VFR weather conditions must maintain a vigilant watch so as to observe and avoid other conflicting traffic, including traffic that may be cruising at an altitude assigned by air traffic control. "Odd and even" thousand-foot altitudes specified by the Administrator for civil airways will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

2. By amending § 60.44 to read as follows:

§ 60.44 *Cruising altitudes.* When an aircraft is operated in level cruising flight, it shall be operated in accordance with the following cruising altitudes:

(a) *Within control areas and control zones.* At an altitude assigned by air traffic control.

(b) *Elsewhere below 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

- (1) 0° to 89° inclusive, at odd thousands (1,000; 3,000; etc.).
- (2) 90° to 179° inclusive, at odd thousands plus 500 (1,500; 3,500; etc.).
- (3) 180° to 269° inclusive, at even thousands (2,000; 4,000; etc.).
- (4) 270° to 359° inclusive, at even thousands plus 500 (2,500; 4,500; etc.).

(c) *Elsewhere at or above 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

- (1) 0° to 89° inclusive, at 4,000-foot intervals beginning at 29,000 (29,000; 33,000; etc.).
- (2) 90° to 179° inclusive, at 4,000-foot intervals beginning at 30,000 (30,000; 34,000; etc.).
- (3) 180° to 269° inclusive, at 4,000-foot intervals beginning at 31,000 (31,000; 35,000; etc.).
- (4) 270° to 359° inclusive, at 4,000-foot intervals beginning at 32,000 (32,000; 36,000; etc.).

NOTE: With respect to paragraph (a) of this section, pilots are advised that altitudes authorized by air traffic control are intended to assure vertical separation only between other known IFR traffic in controlled airspace. During the time an IFR flight is operating in VFR conditions pilots must maintain a vigilant watch so as to observe and avoid other aircraft since, for example, VFR flights may be operating in the same area not subject to air traffic control.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-2484; Filed, Mar. 29, 1957; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amtd. 242]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing herein after are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			Notes
				Condition	2-engine or less	More than 2-engine, more than 65 knots	
CHW VOR.....	CHW-LFR.....	004-8.3.....	2,500	T-dn..... C-d..... C-n..... A-dn.....	300-1 1,000-2 1,000-2 1,500-2 1,500-2	200-1/2 1,000-2 1,500-2 1,500-2 1,500-2	Procedure turn N side W course, 280° outbound, 100° inbound, 3,000' within 10 miles (nonstandard to avoid traffic on V-4). Minimum altitude over facility on final approach course, 2,500'. Course and distance, facility to airport, 112-9.3. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0.6 mile, make a left turn and climb to 3,000' on W course within 20 miles. NOTE: Shuttle on W course descending to 3,000' within 10 miles.
Charleston, W. Va.; Kanawha County Airport, elevation 981'; facility SBRAZ, identification CHW; procedure No. 1, Amendment No. 5, effective date, Apr. 27, 1957; supersedes Amendment No. 4, dated Apr. 1, 1954.							
CUS VOR.....	CUS-LFR.....	Direct.....	6,000	T-d..... T-n..... C-d..... C-n..... A-d..... A-n.....	1,000-2 1,000-3 1,000-2 1,000-3 1,000-2 1,500-3	1,000-2 1,000-3 1,000-2 1,000-3 1,000-2 1,500-3	Procedure turn N side E course, 078° outbound, 238° inbound, 6,000' within 10 miles. Not authorized beyond 10 miles. Procedure turn area limited to south by Mexican border. Minimum altitude over facility on final approach course, 5,200'. Course and distance, facility to airport, 282-1.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 1.6 miles, climb to 9,000' on W course within 20 miles. Air carrier use not authorized.
Columbus, N. Mex.; Intermediate Field, elevation 4,024'; facility SBMRAZ, identification CUS; procedure No. 1, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Jan. 19, 1954.							

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			Notes
				Condition	2-engine or less	More than 2-engine, more than 65 knots	
Evanston Intersection* Glenview LFR..... Dundee Intersection..... Midway LOM..... Wheeling VOR..... O'Hare VOR.....	LOM..... LOM..... LOM..... LOM..... LOM.....	Direct..... Direct..... Direct..... Direct..... Direct.....	2,500 2,500 2,500 2,500 2,500	T-dn..... C-d..... C-n..... S-dn 14R..... A-dn.....	300-1 400-1 400-1 1/2 400-1 800-2	200-1/2 500-1 1/2 500-1 1/2 400-1 800-2	*Evanston Intersection: Intersection R-075 ORD and R-135 EEL. Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach at least 3.0 miles from LOM. Refer to O'Hare radar procedures if sector altitude information is desired. Procedure turn W side NW course, 330° outbound, 130° inbound, 2,500' within 10 miles. Minimum altitude over facility on final approach course 2,000'. Course and distance, facility to airport, 130°, 5.3 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles, make left turn, climb to 2,500' or higher altitude specified by ATC and proceed to Wheeling VOR, via R-480 O'Hare VOR and R-135 Wheeling VOR; or if directed by ATC, (1) make immediate left turn, climb to 3,300', proceeding to Evanston Intersection via R-075 O'Hare VOR; (2) make immediate left turn, climb to 2,500', proceed to Glenview LFR via course 030° and SE course Glenview LFR.

Chicago, Ill.; O'Hare International Airport, elevation 666' facility and identification LOM-OR; procedure No. 2, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Jan. 26, 1957.

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	Transition	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			Notes
					Condition	2-engine or less	More than 2-engine, more than 65 knots	
Columbus LFR.....		CUS-VOR.....	Direct.....	6,000	T-d..... T-n..... C-d..... C-n..... A-d..... A-n.....	1,000-2 1,000-3 1,000-2 1,000-3 1,500-2 1,500-3	1,000-2 1,000-3 1,000-2 1,000-3 1,500-2 1,500-3	Procedure turn N side of course, 084° outbound, 264° inbound, 2,000' within 10 miles. Not authorized beyond 10 miles. Procedure turn area limited to south by Mexican border. Minimum altitude over facility on final approach course, 5,200'. Course and distance; facility to airport, 264-2.4. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles, climb to 9,000' on R-254 within 20 miles. Air carrier use not authorized.

Columbus, N. Mex.; Columbus International Field, elevation 4,024'; facility BVOR, identification CUS; Procedure No. 1, Amendment No. 3, effective date, Apr. 27, 1957; supersedes Amendment No. 2, dated May 27, 1954

EUG-LFR.....		EUG-VOR.....	Direct.....	2,000 3,700 2,000	T-dn..... C-dn..... S-dn-RY16..... A-dn.....	300-1 500-1 400-1 800-2	300-1 500-1½ 400-1 800-2	200-½ 500-1½ 400-1 800-2	Procedure turn E side of course, 338° outbound, 158° inbound, 2,000' within 10 miles. Not authorized beyond 10 miles (nonstandard due to terrain). Minimum altitude over facility on final approach course, 1,500'. Course and distance, facility to airport, 158-3.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, turn right and climb to 2,000' on R-355 within 10 miles.
--------------	--	--------------	-------------	-------------------------	---	----------------------------------	-----------------------------------	-----------------------------------	---

Eugene, Oreg.; Mahlon Sweet Airport, elevation 365'; facility BVOR, identification EUG; Procedure No. 1, Amendment No. 4, effective date, Apr. 14, 1957; supersedes Amendment No. 3, dated Apr. 13, 1957

4. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition			Ceiling and visibility minimums			Notes	
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		
					65 knots or less		More than 65 knots
Evanston Intersection* -----	ORD-VOR -----	Direct -----	2,000 -----	T-dn -----	300-1	300-1½	
Dundee Intersection -----	ORD-VOR -----	Direct -----	2,000 -----	C-dn -----	300-1	500-1	
Midway LOM -----	ORD-VOR -----	Direct -----	2,000 -----	S-dn-18 -----	500-1	500-1	
Glenview LFR -----	ORD-VOR -----	Direct -----	2,000 -----	A-dn -----	800-2	800-2	
Wheeling VOR -----	ORD-VOR -----	Direct -----	2,000 -----				

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from inbound fix. Refer to O Hare radar procedure if information on sector altitudes is desired.

Evanston Intersection: Intersection R-075 ORD and R-135 EEL.

Procedure turn W side of course, 004° outbound, 134° inbound, 2,200' within 10 miles.

Minimum altitude over Intersection on final approach course (Intersection R-004 ORD and SW course NBU or radar fix), 1,700'; bearing and distance, 184-7.0.

Course and distance, breakoff point to approach end Runway 18, 178-0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make immediate left turn, climb to 2,500' or higher altitude specified by ATC and proceed to Wheeling VOR via R-430 ORD and R-135 EEL, or if directed by ATC: (1) make immediate left turn, climb to 3,500', proceed to Evanston Intersection* via R-075 ORD; (2) make immediate left turn, climb to 2,500', proceed to Glenview LFR via 030° course and SE course Glenview LFR.

Chicago, Ill.; O'Hare International Airport, elevation 666'; facility VOR, identification ORD; Procedure No. TerVOR-18, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Dec. 22, 1956

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			Notes
				Condition	2-engine or less 65 knots or less	More than 2-engine, more than 65 knots	
Evanston Intersection*	ORD-VOR	Direct	2,000	T-dn	300-1	200-1½	Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from inbound fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired. Evanston Intersection: Intersection R-075 ORD and R-135 EEL. Procedure turn N side of course, 032° outbound, 212° inbound, 2,000' within 10 miles. Minimum altitude over Intersection on final approach course, (Intersection R-212 ORD and R-340 MDW) 1,500'; bearing and distance, 212—5.0. If contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make immediate left turn, climb 2,500' or higher and proceed by ATC and proceed to Wheeling VOR via R-030 ORD and R-135 EEL, or if directed by ATC: (1) make immediate left turn, climb to 3,500', proceed to Evanston Intersection via R-075 ORD; (2) make immediate left turn, climb 2,500', proceed to Glenview LFR via 030° course and SE course Glenview LFR.
Dundee Intersection	ORD-VOR	Direct	2,500	C-dn	300-1	300-1	
Midway LOM	ORD-VOR	Direct	2,000	S-dn-22	600-1	600-1	
Glenview LFR	ORD-VOR	Direct	2,000	A-dn	600-1	600-1	
Wheeling VOR	ORD-VOR	Direct	2,000	A-dn	800-2	800-2	

Chicago, Ill.; O'Hare International Airport, elevation 669'; facility VOR, identification ORD; Procedure No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Dec. 22, 1956

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			Notes
				Condition	2-engine or less 65 knots or less	More than 2-engine, more than 65 knots	
Intersection R-236 LCH and SE course ILS (final). BUJ VOR	Groves Intersection	Direct	900	T-dn	300-1	200-1½	Procedure turn E side SE course ILS 113° outbound, 293° inbound, 1,400' within 5 miles of Groves Intersection. No glide slope. 900' over Groves Intersection. Bearing and distance to runway 29—293° 3.2 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Groves Intersection, climb to 1,400' on NW course BUJ ILS within 20 miles, when directed by ATC, turn left and climb to 1,600' on R-247 BUJ within 20 miles. NOTE: Groves Intersection: SE course ILS and R-480 BUJ.
ILS LOM	Groves Intersection	Direct	1,400	C-dn	400-1	500-1	
	Groves Intersection	Direct	1,400	S-dn-29	400-1	400-1	
	Groves Intersection	Direct		A-dn	800-2	800-2	

Beaumont, Tex.; Jefferson County Airport, elevation 15'; facility and identification ILS-IBUJ; Procedure No. 2, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Jan. 26, 1957

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition		Ceiling and visibility minimums			Minimum altitude (feet)	Course and distance	To—	From—	Notes
		2-engine or less	2-engine or less	More than 2-engine, more than 65 knots					
		65 knots or less	More than 65 knots						
Intersection NE course ILS and bearing 254 to CHW LFR.	LOM.	300-1	300-1	200-1/2	2,500	Direct.	LOM.	Intersection NE course ILS and bearing 254 to CHW LFR.	Procedure turn N side NE course, 050° outbound, 230° inbound, 2,300' within 10 miles.
CHW LFR.	LOM.	600-1	600-1	600-1 1/2	2,500	Direct.	LOM.	CHW LFR.	No glide slope, minimum altitude over LOM inbound final 1,800'.
CHW VOR.	LOM.	500-1	500-1	500-1	2,500	Direct.	LOM.	CHW VOR.	Distance to approach end of runway at LOM 4.3, at LMM 0.5.
Gay Intersection.	LOM.	600-1	600-1	600-1	2,500	Direct.	LOM.	Gay Intersection.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, 4.3 miles after passing LOM (ADF), climb to 3,000' proceeding to Charleston LFR or when directed by ATC, climb to 2,500' proceeding to CHW VOR.
Walnut Grove Intersection.	LOM.	800-2	800-2	800-2	2,500	Direct.	LOM.	Walnut Grove Intersection.	Note: Provisions for use with inoperative components are not applicable to this procedure.
Ivydale Intersection.	LOM.				2,500	Direct.	LOM.	Ivydale Intersection.	
Charleston, W. Va.; Kanawha County Airport, elevation 981'; facility ILS-CHW, identification LOM-CH; Procedure No. 1, Amendment No. 8, Combination ILS-ADF; effective date, Apr. 27, 1957; supersedes Amendment No. 7, dated Mar. 2, 1957									
Evans Intersection*	LOM.	300-1	300-1	200-1 1/2	2,500	Direct.	LOM.	Evans Intersection*	Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from LOM. Refer to radar procedures for O'Hare if sector altitude information desired.
Glenview LFR.	LOM.	400-1	400-1	500-1 1/2	2,500	Direct.	LOM.	Glenview LFR.	*Evans Intersection: Intersection R-075 ORD and R-135 EEL.
Dundee Intersection via course 056 (ILS only).	LOM (final).	300-3/4	300-3/4	400-1	2,500	Direct.	LOM (final).	Dundee Intersection via course 056 (ILS only).	Procedure turn W side of NW course, 318° outbound, 138° inbound, 2,500' within 10 miles.
Intersection E course RFD LFR and NW course ILS (ILS only).	LOM (final).	400-1	400-1	600-2	2,500	Direct.	LOM (final).	Intersection E course RFD LFR and NW course ILS (ILS only).	Minimum altitude at G. S. Intersection inbound, 2,500' ILS, inbound final 2,000' ADF.
In intersection R-338 API and NW course ILS.	LOM (final).	600-2	600-2	800-2	2,500	Direct.	LOM (final).	In intersection R-338 API and NW course ILS.	Altitude of G. S. and distance to approach end of runway at OM 2,503-5.5, at MM 899-0.6.
Midway LOM.	LOM.				2,500	Direct.	LOM.	Midway LOM.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM (ADF), make immediate left turn, climb to 2,500' or higher altitude specified by ATC and proceed to ELY VOR via R-030 ORD VOR and R-135 EEL VOR, or if
Intersection R-270 EEL and NW course ILS (ILS only).	LOM.				2,500	Direct.	LOM.	Intersection R-270 EEL and NW course ILS (ILS only).	make immediate left turn, climb to 3,500' VOR, or if
O'Hare VOR.	LOM.				2,500	Direct.	LOM.	O'Hare VOR.	predicted by ATC: (1) make immediate left turn, climb to 3,500', proceed to Evans Intersection via R-075 ORD VOR; (2) make immediate left turn, climb to 2,500', proceed to NBU LFR via 030° course and SE course NBU LFR.
Wheeling VOR.	LOM.				2,500	Direct.	LOM.	Wheeling VOR.	
Chicago, Ill.; O'Hare International Airport, elevation 657'; facility ILS-IORD, identification LOM-OR; Procedure No. 1, Amendment No. 4, Combination ILS-ADF, effective date, Apr. 27, 1957; supersedes Amendment No. 3, dated Apr. 7, 1956									
MKE-VOR.	Lake Park Intersection*	300-1	300-1	200-1 1/2	2,700	Direct.	Lake Park Intersection*	MKE-VOR.	Radar transition to final approach authorized. Aircraft may be released for final approach without procedure turn at Lake Park Intersection*. Refer to radar procedure for Milwaukee, Wis., if detailed sector altitudes desired.
MKE-LFR.	Lake Park Intersection*	600-1	600-1	600-1 1/2	2,700	Direct.	Lake Park Intersection*	MKE-LFR.	Procedure turn W side N course, 006° outbound, 186° inbound, 2,700' within 10 miles of Lake Park Intersection.
MKE-LOM.	Lake Park Intersection*	400-1	400-1	400-1	2,700	Direct.	Lake Park Intersection*	MKE-LOM.	No glide slope. Minimum altitude over Lake Park Intersection* on final approach 2,200'. Final after leaving Lake Park Intersection* to Harbor Intersection* 1,800'. Bearing and distance: Lake Park Intersection* to Harbor Intersection* 1,180-3.0.
Cardinal Intersection.	Lake Park Intersection* (final).	800-2	800-2	800-2	2,200	Direct.	Lake Park Intersection* (final).	Cardinal Intersection.	No markers. Bearing and distance: Lake Park Intersection* to Runway 19, 186-7.0. Harbor Intersection* to Runway 19, 186-4.0.
Lake Park Intersection*.	Harbor Intersection**				2,300	Direct.	Harbor Intersection**	Lake Park Intersection*.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2,000' on localizer course to MKE VOR or when directed by ATC. Make left climbing turn to 2,000' and proceed to Sdn Fish Intersection via V90.
Lake Park Intersection*.	Harbor Intersection** (final).				1,800	Direct.	Harbor Intersection** (final).	Lake Park Intersection*.	**Lake Park Intersection: Intersection MKE-VOR R-006 and N course ILS.
									**Harbor Intersection: Intersection MKE-VOR R-105 and N course ILS.
									Note: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
									CAUTION: 787 power line 1/2 mile N of Runway 19.

Milwaukee, Wis.; General Mitchell Airport, elevation 698'; facility and identification ILS-MKE; Procedure No. 2, Amendment No. 2, effective date, Mar. 15, 1957; supersedes Amendment No. 1, dated Mar. 14, 1957

6. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition			Ceiling and visibility minimums			Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less 65 knots or less Surveillance approach	More than 2-engine, more than 65 knots
All directions		Within 20 miles.	2,500	T-dn C-dn S-dn A-dn	300-1 400-1 400-1 800-2	200-1½ 500-1½ 400-1 800-2

*Runways 14R, 14L, 18, 22, 27, 9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate left turn, climb to 2,500' or higher altitude specified by ATC, and proceed to EEL VOR via R-430 ORD and R-135 EEL, or if directed by ATC: (1) make immediate left turn, climb to 3,500', proceed to Evanston Intersection** via R-075 ORD; (2) make immediate left turn, climb to 2,500' proceed to Glenview LFR via 030° course and SE course NBU LFR.

**Evanston Intersection: Intersection R-075 ORD and R-135 EEL.

Chicago, Ill.; O'Hare International Airport, elevation 666'; facility and identification, O'Hare Radar; Procedure No. 1, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Dec. 15, 1956

From	To	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt	Notes
300/110	5° 8,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
120/120	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	*Continuous radar coverage not available.
120/150	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	#Runways 16 L-R, 34 L-R.
150/175	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	**500-2 required for takeoff Runway 7.
175/180	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn W, climb to 11,000' on W course Salt Lake City LFR or R-248 SLC within 20 miles.
180/250	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	
250/278	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	
278/280	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	
280/300	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	
300/316	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	
316/335	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	
335/340	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	
340/360	5° 6,000	10° 11,500	15° 13,500	20° 13,500	25° 13,500	30° 13,500	35° 13,500	40° 13,500	45° 13,500	

Salt Lake City, Utah; Salt Lake City Airport, elevation 4,222'; facility and identification, Salt Lake City Radar; Procedure No. 1, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original dated Nov. 12, 1955

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-2360; Filed, Mar. 29, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 908—MILK IN CENTRAL ARKANSAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 908.0 Findings and determinations.

The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arkansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended and all of the terms and conditions of

said order as hereby amended will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of

pure and wholesome milk and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, four cents per hundredweight, or such amount not exceeding four cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (i) producer milk, (ii) other source milk allocated to Class I milk pursuant to § 908.41 (a), or (iii) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 908.62.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1957. Any delay beyond that date will seriously threaten the orderly marketing of milk in the Central Arkansas marketing area.

(2) The provisions of the said order are known to handlers. The decision containing all amendment provisions of this order was issued by the Assistant Secretary on March 26, 1957. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1957 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding co-operative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order which is marketed within the Central Arkansas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Central Arkansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, as follows:

1. Delete § 908.4 and substitute the following:

§ 908.4 *Central Arkansas marketing area.* "Central Arkansas marketing area", hereinafter called the "marketing area" means all the territory included within the boundaries of the counties of Clark (except the city of Gurdon and the town of Okolona), Conway, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lonoke, Monroe, Pope, Pulaski, Saline and White, all in the State of Arkansas.

2. In §§ 908.51 (b) and 908.52 (b) delete "February" and insert "April".

3. At the end of § 908.70 (b) change the semicolon to a colon, and add the following: "Provided, That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 110 percent of the total Class I utilization of such plants for the month."

4. Delete § 908.90 and substitute the following:

§ 908.90 *Computation of daily average bases for each producer.* Subject to the rules set forth in § 908.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the period of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such period to the last day of December inclusive or by 90, whichever is more: *Provided*, That, in the case of producers delivering milk to a plant which first became a pool plant during any of the months of January through July, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his deliveries of milk to such plant during the period September through December immediately preceding: *And provided further*, That such plant was regulated by another part in this chapter during that period.

5. Delete § 908.91 (a) and substitute the following:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 908.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December, or whose deliveries of milk during these months were to a nonpool plant which became a pool plant during the following months of January through July.

6. In § 908.51 (a) delete the phrase "From the effective date hereof through March 1957, the" and insert "The".

7. In § 908.54 (a) delete the month of "February" and insert the month of "March"; and

In § 908.54 (b) delete the month of "January" and insert the month of "February".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 28th day of March 1957, to be effective on and after April 1, 1957.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2539; Filed, Mar. 29, 1957;
9:39 a. m.]

[Navel Orange Reg. 112]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.412 *Navel Orange Regulation 112—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 28, 1957, after giving due notice thereof to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was

held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 31, 1957, and ending at 12:01 a. m., P. s. t., April 7, 1957, is hereby fixed as follows:

- (i) District 1: 323,400 cartons;
- (ii) District 2: 739,200 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 29, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2557; Filed, Mar. 29, 1957; 11:48 a. m.]

[Valencia Orange Reg. 93]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.393 *Valencia Orange Regulation* 93—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedures, and postpone the effective date of this

section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on March 28, 1957, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 31, 1957, and ending at 12:01 a. m., P. s. t., April 7, 1957, is hereby fixed as follows:

- (i) District 1: 5,000 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 29, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2558; Filed, Mar. 29, 1957; 11:48 a. m.]

PART 930—MILK IN TOLEDO, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec.

930.0 Findings and determinations.

DEFINITIONS

Sec.	Act.
930.1	Secretary.
930.2	Department.
930.3	Person.
930.4	Cooperative association.
930.5	Toledo, Ohio, marketing area.
930.6	Distributing plant.
930.7	Supply plant.
930.8	Pool plant.
930.9	Nonpool plant.
930.10	Producer.
930.11	Producer milk.
930.12	Handler.
930.13	Producer-handler.
930.14	Fluid milk product.
930.15	Other source milk.
930.16	Chicago butter price.

MARKET ADMINISTRATOR

930.20	Designation.
930.21	Powers.
930.22	Duties.

REPORTS, RECORDS, AND FACILITIES

930.30	Monthly reports of receipts and utilization.
930.31	Other reports.
930.32	Records and facilities.
930.33	Retention of records.

CLASSIFICATION

930.40	Skim milk and butterfat to be classified.
930.41	Classes of utilization.
930.42	Shrinkage.
930.43	Transfers.
930.44	Responsibility of handlers and reclassification of milk.
930.45	Computation of the skim milk and butterfat in each class.
930.46	Allocation of skim milk and butterfat classified.

MINIMUM PRICES

930.50	Class prices.
930.51	Basic formula price.
930.52	Butterfat differentials to handlers.
930.53	Location differentials to handlers.
930.54	Use of equivalent prices.

HANDLER'S OBLIGATION AND UNIFORM PRICE

930.60	Computation of net obligation for each handler.
930.61	Computation of uniform price.
930.62	Notification.

PAYMENTS

930.70	Time and method of final payment.
930.71	Partial payments.
930.72	Producer butterfat differential.
930.73	Location differentials to producers.
930.74	Expense of administration.
930.75	Deductions for marketing services.
930.76	Reports to cooperatives.
930.77	Errors in payments.

APPLICATION OF PROVISIONS

930.80	Plants subject to other Federal orders.
930.81	Producer-handlers.

MISCELLANEOUS PROVISIONS

930.90	Termination of obligations.
930.91	Effective time.
930.92	When suspended or terminated.
930.93	Continuing obligations.
930.94	Liquidation.
930.95	Agents.
930.96	Separability provisions.

AUTHORITY: §§ 930.0 to 930.96 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 930.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order;

and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, except a producer-handler, as his pro rata share of such expense, two cents per hundredweight, or such amount not exceeding two cents per hundredweight, as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) receipts of producer milk, (b) other source milk at a pool plant which is allocated to Class I milk, and (c) Class I milk disposed of in the marketing area by a distributing plant, not a pool plant, except a plant at which the milk is subject to the classification and pricing provisions of another order issued pursuant to the act; and

(5) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than April 1, 1957. Any delay beyond that date in the effective

date of this order amending the order, as amended, will impair the proper operation of the order and will seriously threaten the orderly marketing of milk in the Toledo, Ohio, marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Deputy Administrator, Agricultural Marketing Service, on January 24, 1957, and the final decision having been issued by the Assistant Secretary of Agriculture on March 7, 1957. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective April 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by this order amending the order, as amended, which is marketed within the Toledo, Ohio, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, participated in a referendum and who during the determined representative period January 1957, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 930.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 930.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary.

§ 930.3 *Department.* "Department" means the United States Department of Agriculture.

§ 930.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 930.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

§ 930.6 *Toledo, Ohio, marketing area.* "Toledo, Ohio, marketing area", called the "marketing area" means all of the territory within the boundaries of Fulton and Lucas Counties; all of the territory within the boundaries of Wood County north of the northern boundaries of the townships of Milton, Liberty, Portage, and Montgomery, including all of the town of Weston; all of the territory within the townships of Woodville and Madison in Sandusky County, all in the State of Ohio; and in the State of Michigan, all of the territory within the boundaries of Monroe County, except that territory within the boundaries of the townships of Ash, Berlin, Exeter, London, Milan, and Dundee; and all of the territory within the boundaries of the townships of Riga, Ogden, Palmyra, Blissfield, and Deerfield in Lenawee County.

§ 930.7 *Distributing plant.* "Distributing plant" means a plant where milk is processed or packaged and from which milk is disposed of as Class I milk in the marketing area, either on the premises or to a wholesale or retail stop(s), including sales through vendors.

§ 930.8 *Supply plant.* "Supply plant" means a milk plant from which milk, skim milk or cream is transferred to a distributing plant(s).

§ 930.9 *Pool plant.* "Pool plant" means (a) a distributing plant from which more than 10,000 pounds of milk is disposed of in the marketing area during the month and (b) a supply plant during September through December in which shipments of milk, skim milk or cream are made to a plant described pursuant to paragraph (a) of this section on 15 days or more during the month or during any other month on 7 days or more: *Provided*, That a supply plant, which was not a pool plant during the immediately preceding September through December period, shall not be included in this definition during any month in which no such transfers are allocated from Class I milk pursuant to § 930.46.

§ 930.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

MARKET ADMINISTRATOR

§ 930.11 *Producer*. "Producer" means any person, except a producer-handler, who produces milk and who holds a dairy farm inspection permit issued by the appropriate health authority of the community for which the milk is produced if such community requires such permit for milk for disposition as Class I milk therein, which milk is (a) received at a pool plant or (b) diverted from a pool plant to another pool plant or to a non-pool plant pursuant to the conditions set forth in § 930.12.

§ 930.12 *Producer milk*. "Producer milk" means only that skim milk and butterfat contained in the milk received at (a) a pool plant directly from producers or (b) diverted from the account of the operator of a pool plant or a co-operative association from a pool plant to another pool plant or to a nonpool plant; *Provided*, That the milk of a dairy farmer which is diverted at times during any of the months of July through February must be physically received at a pool plant for at least four days during the current month in order to be considered as producer milk during such month. Producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant from which it was diverted.

§ 930.13 *Handler*. "Handler" means (a) any person who operates a distributing plant or a supply plant and (b) any cooperative association with respect to producer milk diverted by it in accordance with the conditions set forth in § 930.12.

§ 930.14 *Producer-handler*. "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 930.15 *Fluid milk product*. "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, eggnog, cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, and evaporated or condensed milk).

§ 930.16 *Other source milk*. "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except (1) producer milk, (2) fluid milk products received from other pool plants, and (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, repackaged or converted to another product in the plant during the month.

§ 930.17 *Chicago butter price*. "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter, at Chicago, as reported for the month by the Department.

§ 930.20 *Designation*. The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 930.21 *Powers*. The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 930.22 *Duties*. The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 930.74:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 930.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 930.30, or (2) payments pursuant to §§ 930.70, 930.74, 930.75, and 930.77;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appro-

priate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class computed pursuant to § 930.50, and § 930.52, and

(2) On or before the 12th day after the end of such delivery period the uniform price computed pursuant to § 930.61 and the butterfat differential computed pursuant to § 930.72.

REPORTS, RECORDS AND FACILITIES

§ 930.30 *Monthly reports of receipts and utilization*. On or before the 5th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, for each of his pool plants in the detail and on the forms prescribed by the market administrator the following:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by inventories of fluid milk products on hand at the beginning of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 930.31 *Other reports*. (a) Each handler, who operates a pool plant, shall report to the market administrator in the detail and on the forms prescribed by the market administrator, on or before the 20th day after the end of each month, his producer payroll for the month which shall show (1) the pounds of producer milk received from each producer and the percentages of butterfat contained therein, (2) the amounts and dates of payments to each producer or cooperative association, and (3) the nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

(b) Each producer-handler and each handler who operates a supply or distributing plant, not a pool plant, shall report to the market administrator in the detail and on forms prescribed by the market administrator, at such time and in such manner as the market administrator may request.

§ 930.32 *Records and facilities*. Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received including all milk products received and

disposed of in the same form; (b) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 930.33 Retention of records. All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 930.40 Skim milk and butterfat to be classified. The skim milk and butterfat which are required to be reported pursuant to § 930.30 shall be classified each month by the market administrator pursuant to the provisions of § 930.41 through § 930.46.

§ 930.41 Classes of utilization. Subject to the conditions set forth in § 930.43 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product (except for livestock feed), and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat accounted for as (1) used to produce a product other than a fluid milk product, (2) inventory of fluid milk products on hand at the end of the month, (3) disposed of for livestock feed, and (4) actual plant shrinkage of skim milk and butterfat allocated to producer milk and other source milk in fluid milk products pursuant to § 930.42 but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 930.42 Shrinkage. The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at such plant(s); and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat, respectively, in producer milk and in other source milk received in the form of a fluid milk product.

§ 930.43 Transfers. Skim milk or butterfat disposed of by a handler from a pool plant, shall be classified:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to the pool plant of another handler except as:

(1) Utilization in Class II milk is claimed by the operators of both plants in their reports submitted pursuant to § 930.30;

(2) The receiving plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the maximum Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month;

(b) As Class I milk if transferred or diverted to a nonpool plant in the form of milk, skim milk or cream in bulk to a nonpool plant located less than 250 miles from the City Hall of Toledo, Ohio, by the shortest highway distance as determined by the market administrator, unless:

(1) The transferring or diverting handler claims classification as Class II milk in his report submitted pursuant to § 930.30 for the month;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification of such mutually indicated utilization; and

(3) An equivalent amount of skim milk and butterfat was used in products in Class II milk at such non-pool plant.

(c) As Class I milk if transferred or diverted in bulk in the form of milk or skim milk or cream to a nonpool plant located 250 miles or more from the City Hall at Toledo, Ohio, by shortest highway distance as determined by the market administrator.

(d) For the purposes of paragraphs (b) and (c) of this section, skim milk and butterfat shall not be deemed to have been "disposed of" to a nonpool plant if merely retained in or transferred between trucks or other vehicles which enter the premises or come within the orbit of such plant in the course of movement elsewhere.

§ 930.44 Responsibility of handlers and reclassification of milk. (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 930.45 Computation of the skim milk and butterfat in each class. For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk

disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 930.46 Allocation of skim milk and butterfat classified. After making the computations pursuant to § 930.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 930.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 930.43 (a);

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 930.50 Class prices. Subject to the provisions of §§ 930.52 and 930.53, each handler shall pay not less than the following prices per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received at his pool plant during the month:

(a) *Class I milk price.* (1) Except as provided in subparagraph (2) of this paragraph, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	Amount
April, May, and June	\$1.00
February, March, and July	1.25
All others	1.65

(2) The price for Class I milk shall be the amount computed pursuant to subparagraph (1) of this paragraph plus or minus a "supply-demand adjustment" computed pursuant to subdivisions (i), (ii), and (iii) of this subparagraph: *Provided*, That the price shall not be ad-

justed by the supply-demand adjustment factor until the utilization percentage computed pursuant to subdivision (i) of this subparagraph is equal to or exceeds the standard utilization percentage pursuant to subdivision (ii) of this subparagraph for each of three successive months:

(i) Divide the total receipts of producer milk during the first and second months preceding by the total gross volume of Class I milk (less interhandler transfers) during the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "utilization percentage".

(ii) Compute a "deviation percentage" by subtracting from the utilization percentage as computed in subdivision (i) of this subparagraph, the "standard utilization percentage" shown in this subdivision:

Month for which the price is being computed:	Standard utilization percentage
January	115
February	123
March	129
April	130
May	130
June	137
July	138
August	127
September	116
October	108
November	105
December	108

(iii) Determine the amount of the supply-demand adjustment from the following schedule:

If deviation percentage is:	Supply-demand adjustment is: (cents)
+16 or over	-50
+13 or +14	-40
+10 or +11	-30
+7 or +8	-20
+4 or +5	-10
+2 or -2	0
-4 or -5	+10
-7 or -8	+20
-10 or -11	+30
-13 or -14	+40
-16 or under	+50

When the deviation percentage does not fall within the tabulated brackets the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

(b) *Class II milk price.* The Class II milk price shall be (1) during the months of July through February, the highest of the prices per hundredweight computed pursuant to § 930.51 or subparagraph (2) of this paragraph for the month and (2) during the months of March through June, the average (computed to the nearest tenth of a cent) of the basic or field prices per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following locations for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month by the companies listed below:

Company and Location

Pet Milk Co., Delta, Ohio.
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Hudson, Mich.

§ 930.51 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the class prices pursuant to § 930.50 shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraph (b) (2) of § 930.50, or to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month by the companies indicated below:

Companies and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddars," f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month;

(2) Add 0.902 times the Chicago butter price; and

(3) Subtract 34.3 cents.

(c) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price subtract three cents, and multiply by 4.2; and

(2) From the arithmetical average of the carlot prices per pound for nonfat dry milk (not including that specifically designated animal feed), spray and rolled process, f. o. b. manufacturing plants in the Chicago area, as published by the Department during the month, deduct 5.5 cents, and multiply by 8.2, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof delivered at Chicago, Illinois, as published weekly by such agency during the month; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

§ 930.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified, respectively, in any class of utilization, pursuant to § 930.46, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butter-

fat test is above or below, respectively, 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply the Chicago butter price by 0.125;

(b) *Class II milk.* Multiply the Chicago butter price by 0.120.

§ 930.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Toledo, Ohio, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to a distributing plant which is a pool plant in the form of a fluid milk product and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 930.50 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Toledo City Hall (miles):	Rate per hundredweight (cents)
60 but less than 75	15
75 but less than 90	17
For each additional 15 miles or fraction thereof an additional	2.0

Provided, That for the purpose of calculating such location differentials, fluid milk products which are transferred between pool plants shall be assigned to Class I milk to the extent that the gross Class I utilization at the transferee plant exceeds 95 percent of the receipts of producer milk at such plant, such assignment to transferor plants to be made first to plants at which no location adjustment is applicable and then in sequence according to the location differential applicable at each plant beginning with the plant having the smallest differential.

§ 930.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 930.60 *Computation of net obligation for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the overage deducted from each class pursuant to § 930.46 (a) (5) and the corresponding step of (b) by the applicable class price;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundred-

weight of milk subtracted from Class I pursuant to § 930.46 (a) (4) and the corresponding step of (b), whichever is less;

(d) Adjust the resulting amount by the sum of money used in adjusting the uniform price for the previous month to the nearest cent, pursuant to § 930.61 (d); and

(e) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator.

§ 930.61 *Computation of uniform price.* For each month, the market administrator shall compute for each handler a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received by such handler as follows:

(a) From the value of milk computed for such handler pursuant to § 930.60, deduct, if the weighted average butterfat test of all producer milk received by him is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 930.72 and multiply by 10;

(b) Add an amount equal to the total location adjustments to be made pursuant to § 930.73;

(c) Divide the resulting value by the total hundredweight of producer milk received by such handler;

(d) The resulting figure, rounded to the nearest cent, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content at a pool plant, located less than 60 miles from the City Hall of Toledo, Ohio.

§ 930.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler pursuant to § 930.61 and the butterfat differentials computed pursuant to § 930.72; and

(c) The totals of the amounts to be paid by such handler pursuant to §§ 930.74 and 930.75.

PAYMENTS

§ 930.70 *Time and method of final payment.* (a) On or before the 15th day after the end of each month, each handler shall pay each producer for milk received from him during such month, an amount computed at not less than such handler's uniform price per hundredweight pursuant to § 930.61, subject to the butterfat differential computed pursuant to § 930.72 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to § 930.71, (2) location differential deductions pursuant to § 930.73, (3) marketing service deductions pursuant to § 930.75 and (4) proper deductions authorized by such producer.

§ 930.71 *Partial payments.* On or before the last day of each month each handler shall pay each producer for milk received from him during the first fifteen days of each month at a rate computed as follows: *Provided*, That in the event a producer discontinues shipping to the market during the month, such partial payments shall not be made and full payment for all milk received from such producer during the month shall be made pursuant to the provisions of § 930.70.

(a) Deduct 75 cents from the uniform price for the preceding month for such handler which is applicable at the pool plant where milk is received from such producer.

(b) Add or subtract any amount by which the Class I price differential for the current month is greater than or less than, respectively, the differential for the preceding month.

(c) Round off the result to the nearest multiple of 10 cents.

§ 930.72 *Producer butterfat differential.* In making payments pursuant to § 930.70 the uniform price for each handler shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential computed as follows: Multiply the Chicago butter price by 0.12 and round to the nearest one-half cent.

§ 930.73 *Location differentials to producers.* In making payment pursuant to § 930.70 the uniform price pursuant to § 930.61 to be paid for milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Toledo, Ohio, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Toledo City Hall (miles):	Rate per hundredweight (cents)
60 but less than 75.....	15.0
75 but less than 90.....	17.0
For each additional 15 miles or fraction thereof an additional.....	2.0

§ 930.74 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 930.22 (d), each handler, except a producer-handler, shall pay the market administrator, on or before the 15th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe with respect to receipts during the month of (a) producer milk, (b) other source milk at a pool plant, allocated to Class I milk pursuant to § 930.46 and (c) Class I milk disposed of in the marketing area by a distributing plant, not a pool plant.

§ 930.75 *Deductions for marketing services.* (a) Except as set forth in paragraph (b) of this section each handler, in making payments to producers pursuant to § 930.70, with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a co-

operative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and on or before the 15th day after the end of such month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) Each association of producers which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer-members for milk delivered to such handler. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted, to the association, within 15 days after the end of the month. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an un-terminated membership contract with each producer authorizing the claimed deduction.

§ 930.76 *Reports to cooperatives.* Upon request the market administrator is authorized to report to any cooperative association qualifying under § 930.75 (b) for each month the amount of butterfat shortage or overage in member milk found in any handler's plant, as revealed by the records of the market administrator. For the purpose of this report, the butterfat shortage or overage on member milk shall be determined as the percentage of total butterfat shortage or overage which total receipts of butterfat in member milk is of the total receipts of butterfat in the plant.

§ 930.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts disclose errors resulting in moneys due (a) the market administrator or cooperative associations from such handler, or such handler from the market administrator or cooperative associations pursuant to §§ 930.74 or 930.75, or (b) any producer or cooperative association from such handler pursuant to § 930.70, the market administrator shall promptly notify such handler of any such amount due; and said payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 930.80 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be

subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to § 930.9 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Toledo, Ohio, marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a distributing plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 930.81 *Producer-handlers.* Sections 930.50, 930.60, 930.70, 930.74, 930.75, and 930.77 shall not apply to the milk of a producer-handler.

MISCELLANEOUS PROVISIONS

§ 930.90 *Termination of obligations.* (a) The obligations of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part

to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 930.91 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 930.92 *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 930.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 930.94 *Liquidation.* Upon the suspension of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 930.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 930.96 *Separability of provisions.* If any provision of this part, or its appli-

cation to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 27th day of March 1957, to be effective on and after April 1, 1957.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2482; Filed, Mar. 29, 1957;
8:50 a. m.]

[Orange Reg. 313]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.838 *Orange Regulation 313—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 26, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such

provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., April 1, 1957, and ending at 12:01 a. m., e. s. t., April 15, 1957, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter and smaller;

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than $3\frac{1}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are larger than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $3\frac{1}{16}$ inches in diameter and larger; or

(v) Any Temple oranges, grown in the State of Florida, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 27, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2479; Filed, Mar. 29, 1957; 8:50 a. m.]

[Grapefruit Reg. 261]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.839 Grapefruit Regulation 261—

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the department after an open meet-

ing of the Growers Administrative Committee on March 26, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., April 1, 1957, and ending at 12:01 a. m., e. s. t., April 15, 1957, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than $3\frac{1}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title);

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than $3\frac{1}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of pink seeded grapefruit smaller than

such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title);

(v) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(vi) Any pink seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 2;

(vii) Any white seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided*, That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars;

(viii) Any pink seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2;

(ix) Any pink seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such pink seedless grapefruit (a) are in the same container with pink seedless grapefruit which grade at least U. S. No. 1 Russet and (b) are not in excess of 50 percent, by count, of the number of all pink seedless grapefruit in such container; or

(x) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than $\frac{3}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 27, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F. R. Doc. 57-2478; Filed, Mar. 29, 1957;
8:50 a. m.]

[Tangerine Reg. 189]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.840 Tangerine Regulation 189—

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations

of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 26, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., April 1, 1957, and ending at 12:01 a. m., e. s. t., April 15, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than $\frac{2}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running

from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 27, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable
Division, Agricultural
Marketing Service.

[F. R. Doc. 57-2477; Filed, Mar. 29, 1957;
8:49 a. m.]

[Lemon Reg. 680]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.787 Lemon Regulation 680—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 27, 1957; such meeting was held, after giving due notice thereof to consider recommenda-

tions for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 31, 1957, and ending at 12:01 a. m., P. s. t., April 7, 1957, is hereby fixed as follows:

(i) District 1: 6,510 cartons;
(ii) District 2: 239,940 cartons;
(iii) District 3: Unlimited movement.
(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 28, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2542; Filed, Mar. 29, 1957; 9:40 a. m.]

[Docket No. AO-170-A10]

PART 967—MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec.	Findings and determinations.
967.0	
DEFINITIONS	
967.1	Act.
967.2	Secretary.
967.3	Department.
967.4	Person.
967.5	Delivery period.
967.6	Cooperative association.
967.7	South Bend-La Porte, Indiana, marketing area.
967.8	Approved plant.
967.9	Producer.
967.10	Producer milk.
967.11	Other source milk.
967.12	Route.
967.13	Handler.
967.14	Producer-handler.
967.15	Base, base milk and excess milk.
MARKET ADMINISTRATOR	
967.20	Designation.
967.21	Powers.
967.22	Duties.
REPORTS, RECORDS AND FACILITIES	
967.30	Reports of receipts and utilization.
967.31	Other reports.
967.32	Records and facilities.
967.33	Retention of records.

CLASSIFICATION

Sec.	Skim milk and butterfat to be classified.
967.40	
967.41	Classes of utilization.
967.42	Shrinkage.
967.43	Responsibility of handlers and reclassification of milk.
967.44	Transfers.
967.45	Computation of skim milk and butterfat in each class.
967.46	Allocation of skim milk and butterfat classified.

MINIMUM PRICES

967.50	Basic formula prices for skim milk and butterfat.
967.51	Class I milk prices.
967.52	Class II milk prices.
967.53	Class III milk prices.

APPLICATION OF PROVISIONS

967.60	Exempt milk.
967.61	Diverted milk.
967.62	Producer-handlers.
967.63	Computation of base.
967.64	Base rules.

DETERMINATION OF UNIFORM PRICE

967.70	Computation of value of producer milk.
967.71	Computation of uniform price.
967.72	Notification to handlers.

PAYMENTS

967.80	Time and method of payment.
967.81	Producer-butterfat differential.
967.82	Producer-settlement fund.
967.83	Payments to the producer-settlement fund.
967.84	Payments out of the producer-settlement fund.
967.85	Expense of administration.
967.86	Marketing services.
967.87	Adjustments of accounts.
967.88	Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

967.90	Effective time.
967.91	Suspension or termination.
967.92	Continuing obligations.
967.93	Liquidation.

MISCELLANEOUS PROVISIONS

967.100	Agents.
967.101	Separability of provisions.

AUTHORITY: §§ 967.0 to 967.101 issued under sec. 5, 49 stat. 753, as amended; 7 U. S. C. 608c.

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended,

regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than April 1, 1957. Any delay beyond April 1, 1957, in the effective date of this order would tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. The amendment action of this order amending the order is known to handlers. The public hearing was held on August 14-15, 1956, and the recommended decision was issued February 6, 1957 (22 F. R. 844). The final decision was issued by the Assistant Secretary on March 15, 1957 (22 F. R. 1844). Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding co-operative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the South Bend-La Porte, Indiana, marketing area) of more than 50 percent of the milk which is marketed within said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the de-

clared policy of the act, of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 967.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 967.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 967.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture specified herein.

§ 967.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 967.5 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

§ 967.6 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 967.7 *South Bend-La Porte, Indiana, marketing area.* "South Bend-La Porte, Indiana, marketing area", hereinafter called the "marketing area" means all territory within the corporate limits of South Bend, Mishawaka, La Porte, and Michigan City, Indiana.

§ 967.8 *Approved plant.* "Approved plant" means a milk plant which is approved by the health authorities of any of the following municipalities: South Bend, Mishawaka, La Porte, or Michigan City, Indiana, for the processing and distribution of milk for con-

sumption in fluid form and from which a route is operated wholly or partially within the marketing area.

§ 967.9 *Producer.* "Producer" means any person, except a producer-handler, who produces milk (other than milk exempt pursuant to § 967.60) which is received at an approved plant, provided such milk is eligible for consumption as milk in fluid form within the marketing area under the approval or certification of one or more of the health authorities referred to in § 967.8. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be temporarily diverted by a handler from an approved plant to a plant not an approved plant.

§ 967.10 *Producer milk.* "Producer milk" means milk produced by a producer under the conditions set forth in § 967.9.

§ 967.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than a producer or a handler who receives milk subject to the pricing provisions of this part.

§ 967.12 *Route.* "Route" means a delivery (including a sale at a plant store) of any item named in § 967.41 (a) (1) to a wholesale or retail stop other than a milk processing or distributing plant.

§ 967.13 *Handler.* "Handler" means (a) a person who operates an approved plant or (b) a cooperative association with respect to milk (1) caused by it to be delivered from a producer's farm to an approved plant for the account of such association, or (2) customarily received as producer milk at an approved plant which is diverted by such association for its account to a plant not an approved plant.

§ 967.14 *Producer-handler.* "Producer-handler" means any person who operates an approved plant and whose sole source of supply of skim milk and butterfat is from his own production or from his own production and from an approved plant.

§ 967.15 *Base, base milk and excess milk.* (a) *Base.* "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 967.63.

(b) *Base milk.* "Base milk" means a quantity of producer milk received by a handler during each of the months of April, May, June and July which is not in excess of such producer's base multiplied by the number of days such milk was produced.

(c) *Excess milk.* "Excess milk" means producer milk received by a handler during each of the months of April, May, June and July which is in excess of the base milk received from such producer.

MARKET ADMINISTRATOR

§ 967.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such

compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 967.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 967.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 967.85:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 967.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 967.30 to 967.31 or (2) payments pursuant to §§ 967.80 to 967.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 7th day after the end of such delivery period, the minimum class prices for skim milk and butterfat pursuant to §§ 967.51 through 967.53;

(2) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 967.71 and the butterfat differential computed pursuant to § 967.81;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before April 1 each year notify each producer of the amount of his base, and notify each handler of the amount of the base of each producer delivering milk to any of the handler's plants.

REPORTS, RECORDS, AND FACILITIES

§ 967.30 *Reports of receipts and utilization.* On or before the 9th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and of skim milk contained in all receipts within such delivery period of (1) producer milk, (2) skim milk and butterfat in any form from any other handler, (3) other source milk, and the source thereof, and (4) for the delivery periods of April through July, the total amount of base milk and the total amount of excess milk received from producers;

(b) The utilization of all receipts reported under paragraph (a) of this section; and

(c) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

§ 967.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 25th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show (1) the total pounds of milk received from each producer and the average butterfat test of such milk, (2) the amount of payment to each producer and cooperative association, (3) the nature and amount of any deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph, and (4) for the delivery periods of September through December, the number of days on which milk was received from each producer, and for the delivery periods of April through July, for each producer the number of days on which milk was received and the amount of base milk and excess milk.

§ 967.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received;

(b) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 967.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of (except as provided in paragraph (c) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and as any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, flavored milk drink not sterilized and not otherwise specified under paragraph (c) of this section, and as egg nog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as

any item named in this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and non-fat dry milk; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1), (2) and (3) in paragraph (b), and in paragraphs (c) (1), (2), (3) and (4) of this section; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted to another handler (except a producer-handler) in the form of any item named in § 967.41 (a) (1), (2), or (3) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided*, That

skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of any item named in § 967.41 (a) (1), (2) or (3);

(c) As Class I milk if transferred or diverted to a plant not an approved plant in the form of any item named in § 967.41 (a) (1), (2) or (3) unless (1) the transferor handler claims use in another class on the basis of utilization in the unapproved plant in his report submitted to the market administrator pursuant to § 967.30 for the month within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such delivery period in the use indicated in such report, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided*, That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk;

(a) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk the pounds of skim milk and butterfat in other source milk which is disposed of as Class I milk in bottles on a route outside the marketing area: *Provided*, That the health authority having jurisdiction over the plant from which such distribution is made has granted approval for receiving and processing for fluid distribution both approved milk and other source milk in such plant, the handler maintains adequate accounts and records of, and practices complete segregation of, producer milk and other source milk used in his Class I milk operations, and that such other source milk is disposed of on a route on which no producer milk is disposed of as Class I milk;

(b) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk (to the extent Class I milk is available) the pounds of skim milk and butterfat in other source milk which

is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (c) (7)) in series beginning with Class III milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraphs (a) and (b) of this section;

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(e) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class III milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

MINIMUM PRICES

§ 967.50 *Basic formula price.* The basic formula price to be used in computing the prices of Class I milk and Class II milk for the delivery period shall be the higher of the prices computed by the market administrator for the delivery period immediately preceding pursuant to paragraphs (a) and (b) of this section:

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department by the companies listed below:

Present operator:	Location
Borden Co.....	Mount Pleasant, Mich.
Borden Co.....	New London, Wis.
Borden Co.....	Orfordville, Wis.
Carnation Co.....	Oconomowoc, Wis.
Carnation Co.....	Richland Center, Wis.
Carnation Co.....	Sparta, Mich.
Pet Milk Co.....	Belleville, Wis.
Pet Milk Co.....	Coopersville, Mich.
Pet Milk Co.....	New Glarus, Wis.
Pet Milk Co.....	Wayland, Mich.
White House Milk Co.....	Manitowoc, Wis.
White House Milk Co.....	West Bend, Wis.

(b) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the cur-

rent delivery period by the Department, and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents.

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: August, September, October, November and December \$1.30; January and February, \$1.10; all others \$0.90: *Provided*, That such Class I price differential shall be increased or decreased, respectively, by the supply-demand adjustment computed under Part 941 of this chapter as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

(b) Add together the amount computed pursuant to § 967.50 (b) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (b), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: August, September, October, November and December, \$13.75; all others \$12.00: *Provided*, That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the proviso of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

§ 967.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class II milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk), the following amount for the delivery period indicated: August, September, October, November, December, January and February, \$0.70; all others \$0.45.

(b) The amount computed pursuant to § 967.51 (b) shall be the price of butterfat in Class II milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount specified in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class II milk: *Provided*, That in no event shall the price of skim milk pursuant to this subparagraph be less than the price computed pursuant to § 967.53 (b).

§ 967.53 *Class III milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class III milk for each delivery period shall be computed by the market administrator as follows:

(a) The price of butterfat in Class III milk shall be the producer butterfat differential computed for such delivery period pursuant to § 967.81 times 1000.

(b) The price of skim milk in Class III milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to § 967.50 (a), and divide the remainder by 0.965.

APPLICATION OF PROVISIONS

§ 967.60 *Exempt milk.* Skim milk and butterfat disposed of as Class I on a route in the marketing area shall not be subject to the provisions of this part if (a) such milk is priced under another marketing agreement or order issued pursuant to the act, and (b) the person making such disposition of milk in the marketing area is subject to regulation under such other marketing agreement or order: *Provided*, That the handler making such disposition of milk in the marketing area shall at such time and in such manner as the market administrator may require, make reports to the market administrator which shall be subject to verification by the market administrator.

§ 967.61 *Diverted milk.* Producer milk diverted from a handler's plant to an approved plant or to a plant not an approved plant shall be deemed to have been received by the handler for whose account such milk was diverted.

§ 967.62 *Producer-handlers.* Sections 967.40 to 967.46, 967.50 to 967.53, 967.70 to 967.72, and 967.80 to 967.88 shall not apply to a producer-handler.

§ 967.63 *Computation of base.* Subject to the conditions set forth in § 967.64, the market administrator shall compute for each of the months of April, May, June and July a base for each producer, as follows:

(a) Divide the total pounds of milk received by a handler from each producer during the months of September, October, November and December immediately preceding, by the number of days such milk was produced (not to be less than 90 days): *Provided*, That any producer for whom a base has been computed, may, upon written notice to the market administrator postmarked not later than February 15 preceding, relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section.

(b) Any producer who has not established a base or who elects to relinquish his base pursuant to the provisions of paragraph (a) of this section shall be assigned a base for each of the months of April, May, June and July computed as follows:

(1) From the total quantity of producer milk received by handlers during the same month of the previous year, subtract the total receipts from producers who did not establish bases or who had relinquished their bases.

(2) Determine the percentage that base milk was of the remaining pounds, and subtract 10.

(3) Multiply the resulting percentage by the total pounds of milk received by a handler from the producer during the applicable month and divide the result by the number of days such milk was produced.

§ 967.64 *Base rules.* Any base computed pursuant to § 967.63 (a) shall be subject to the following rules:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned, and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) If a producer operates more than one farm he must establish a base with respect to the milk from each farm, and in the event such producer chooses to relinquish the base earned for one farm he must do so for all farms.

DETERMINATION OF UNIFORM PRICE

§ 967.70 *Computation of value of producer milk.* The value of producer milk received during each delivery period by each handler shall be computed by the market administrator by multiplying the pounds of skim milk and butterfat, respectively, allocated to producer milk in each class pursuant to § 967.46, by the applicable class prices, adding together the resulting amounts, and adding the amounts computed as follows: Multiply the pounds of skim milk and butterfat subtracted pursuant to § 967.46 (e) by the respective applicable class prices.

§ 967.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 967.70 for all handlers who made the reports pursuant to § 967.30 except those in default in payments required pursuant to § 967.83 for the preceding delivery period;

(b) Subtract, if the weighted average butterfat test of producer milk is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which such weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 967.81, and multiply the resulting amount by the hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund less the amount of unpaid obligations to handlers pursuant to § 967.84 and 967.87;

(d) For the delivery periods of August through March compute the uniform price by dividing the result computed pursuant to paragraph (c) of this section by the hundredweight of producer milk included in the computations pursuant to paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in the producer-settlement fund to provide against errors in reports and in payments by handlers.

(e) For each of the delivery periods of April through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, received from producers, as follows:

(1) Compute the total value on a 3.5 percent butterfat basis of excess milk included in the computations pursuant to paragraph (a) of this section by multiplying the hundredweight of such excess milk not in excess of the total quantity of Class III milk included in these computations by the price for Class III milk of 3.5 percent butterfat content, and multiplying the hundredweight of such excess milk in excess of such Class III milk in series by the price for Class II milk and Class I milk, respectively, of 3.5 percent butterfat content, and adding together the resulting amounts.

(2) Compute the uniform price for excess milk of 3.5 percent butterfat content by dividing the total value of excess milk obtained in subparagraph (1) of this paragraph by the total hundredweight of such milk, and adjusting to the nearest cent;

(3) Multiply the hundredweight of excess milk included in the computations pursuant to subparagraph (2) of this paragraph by the uniform price for excess milk computed pursuant to said subparagraph (2);

(4) Subtract the value computed pursuant to subparagraph (3) of this paragraph from the value computed pursuant to paragraph (c) of this section and divide the result by the total hundredweight of base milk included in these computations;

(5) Compute the uniform price for base milk of 3.5 percent butterfat content by subtracting not less than 4 cents nor more than 5 cents from the result computed pursuant to subparagraph (4) of this paragraph for the purpose of retaining a cash balance in the producer-settlement fund to provide against errors in reports and in payments by handlers.

§ 967.72 *Notification to handlers.* On or before the 14th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and values of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to or the amount due him from the producer-settlement fund, pursuant to § 967.83 or § 967.84; and (d) the amount to be paid by him pursuant to §§ 967.80, 967.85, 967.86, and 967.87.

PAYMENTS

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for the delivery periods of August through March and the uniform prices for base milk and excess milk for the delivery periods of April through July calculated pursuant to § 967.71, and adjusted by the producer butterfat differential pursuant to § 967.81, for all milk received from such producer during such delivery period and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I milk, Class II milk and Class III milk allocated to producer milk pursuant to § 967.46.

(c) On or before the 4th day after the end of such delivery period each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery

period: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on or before the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section:

When the uniform price or base price for the preceding delivery period is—	The amount of the partial payment shall be—
Under \$1.00	\$0.00
\$1.00 to \$1.99	1.00
\$2.00 to \$2.99	2.00
\$3.00 to \$3.99	3.00
\$4.00 to \$4.99	4.00
\$5.00 to \$5.99	5.00
\$6.00 to \$6.99	6.00
\$7.00 and over	7.00

§ 967.81 *Producer butterfat differential.* In making payments pursuant to § 967.80 (a) there shall be added to or subtracted from the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the delivery period as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

§ 967.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 967.83 and payments related thereto pursuant to § 967.87 and out of which he shall make all payments to handlers pursuant to § 967.84 and payments related thereto pursuant to § 967.87.

§ 967.83 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 967.70 minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is greater than the amount to be paid producers pursuant to § 967.80 (a): *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b), such cooperative association shall pay to the market administrator, on or before the 16th day after the end of each delivery period, the amount by which the utilization value of such milk is greater than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81.

§ 967.84 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 967.70 minus the amount to be paid to a co-

operative association pursuant to § 967.80 (b) is less than the amount to be paid producers pursuant to § 967.80 (a), less any unpaid obligation of such handler to the market administrator pursuant to §§ 967.83, 967.85, 967.86 and 967.87: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b) the market administrator shall pay to such cooperative association, on or before the 17th day after the end of such delivery period, the amount by which the utilization value of such milk is less than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 967.85 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 967.22 (d) each handler shall pay the market administrator, on or before the 16th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to skim milk and butterfat received within the delivery period, in producer milk (including such handler's own production) and in other source milk (excluding milk which is subject to administrative expense of another Federal order issued pursuant to the act).

§ 967.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 967.80 (a) shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers (except milk of such handler's own production) at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association. Such deductions shall be paid by the handler to the market administrator on or before the 16th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples and tests of milk received from such producers and in providing for market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor, to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is perform-

ing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 967.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 16th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 967.87 Adjustments of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler or of the market administrator shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 967.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market ad-

ministrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 967.90 *Effective time.* The provisions of this part or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 967.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 967.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 967.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so desired by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all

assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 967.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 967.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

It is hereby ordered, that the full text of the order be published in the FEDERAL REGISTER. The regulatory provisions contained in this order, as amended, are identical with those published in the final decision on March 20, 1957 (22 F. R. 1844).

Issued at Washington, D. C., this 26th day of March 1957, to be effective April 1, 1957.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2471; Filed, Mar. 29, 1957; 8:48 a. m.]

[Docket Nos. AO-240-A2 and A3]

PART 985—MILK IN MUSKEGON, MICHIGAN,
MARKETING AREA

ORDER AMENDING ORDER

§ 985.0 *Findings and determinations.* The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Muskegon, Michigan, on August 28, 1956, and at Kalamazoo, Michigan, on November 27, 1956, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Muskegon, Michigan, marketing area. Upon the basis of the evi-

dence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers and other source milk which is classified as Class I milk.

(b) *Determinations.* It is hereby determined that handlers (excluding co-operative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) This issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the representative period (December 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the

effective date hereof, the handling of milk in the Muskegon, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as set forth below:

1. Delete § 985.5 and substitute the following:

§ 985.5 *Muskegon, Michigan, marketing area.* "Muskegon, Michigan, marketing area" referred to in this part as the "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of Muskegon County; Ottawa County, except Wright, Tallmadge, Georgetown and Jamestown townships; and Fillmore and Laketown townships in Allegan County; all in the State of Michigan.

2. Delete § 985.6 and substitute therefor the following:

§ 985.6 *Pool plant.* "Pool plant" means a plant (except one which is exempt pursuant to § 985.101):

(a) From which 20 percent or more of the total milk received at such plant during the month is disposed of in the marketing area as Class I other than to another pool plant;

(b) From which 20 percent or more of the total milk received from dairy farmers at such plant during the month is moved to pool plant(s) as described in paragraph (a) of this section; or

(c) Approved by an appropriate health authority of the marketing area as a supply of milk for fluid consumption and operated by a cooperative association, if 75 percent (50 percent for May and June) or more of the milk delivered during the month by producers who are members of such association is received at the pool plants of other handlers.

3. Delete § 985.53 and substitute the following:

§ 985.53 *Handler butterfat differential.* There shall be added to or subtracted from, respectively, the prices of milk for each class as computed pursuant to §§ 985.51 and 985.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

4. Delete § 985.65 and substitute therefor the following:

§ 985.65 *Computation of the base milk price.* (a) Multiply the total pounds of excess milk by the excess milk price for the month;

(b) Multiply the total amount of milk to be paid for at the adjusted uniform price by the adjusted uniform price pursuant to § 985.70 (b);

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 985.62;

(d) Divide the resultant value by the total hundredweight of base milk; and

(e) Subtract not less than 6 cents nor more than 7 cents.

(f) The resultant hundredweight price shall be the price of base milk of 3.5 percent butterfat content received at pool plants described in § 985.6.

5. Delete § 985.70 (b), (c), (d) and (e) and substitute therefor the following:

(b) A producer who has no base shall be paid until February 1 following the August-December period within which he establishes a base pursuant to paragraph (a) of this section at an adjusted uniform price determined by subtracting from the uniform price computed pursuant to § 985.63 the applicable percentage specified below of the difference between the uniform price and the excess milk price, rounded to the nearest cent:

	Percent
January, February, and March	30
April, May, and June	50
July	15
All other months	5

(c) A producer with a base, by notifying the market administrator that he relinquishes such base, may be paid pursuant to paragraph (b) of this section, beginning with the first day of the month in which such notification is received by the market administrator.

(d) When a plant first becomes a pool plant pursuant to § 985.6 bases for producers delivering to such plant may be established on the basis of deliveries of milk to such plant for the preceding August-December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator.

6. Delete § 985.71 (b) (2) and (c) and substitute the following:

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base without loss for twelve months.

7. Delete § 985.80 and substitute the following:

§ 985.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from producers for the account of such association, the uniform price adjusted as provided in § 985.70 (b), or the base price for base milk and the excess price for excess milk, adjusted by the butterfat differential pursuant to § 985.81: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 985.84 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from

the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

8. Delete § 985.81 and substitute the following:

§ 985.81 *Producer butterfat differential.* In making payments pursuant to § 985.80, the uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, respectively, by an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-half cent.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of March 1957, to be effective on and after the 1st day of May 1957.

[SEAL]

EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2483; Filed, Mar. 29, 1957;
8:51 a. m.]

PART 987—MILK IN CENTRAL MISSISSIPPI MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 987.0 *Findings and determination.* The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative agreement and to the order, as amended, regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity price of milk produced for sale in the said marketing area as

determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than April 1, 1957. Any delay beyond that date in the effective date of this order would tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. The amendment action of this order amending the order is known to handlers. The public hearing was held on January 25, 1957, and the recommended decision was issued March 7, 1957 (22 F. R. 1589). The final decision was issued by the Assistant Secretary on March 25, 1957. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Central Mississippi marketing area) of more than 50 percent of the milk which is marketed within said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of

milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete § 987.16 and substitute the following:

§ 987.16 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or milk from a pool plant.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 28th day of March to be effective on and after April 1, 1957.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2540; Filed, Mar. 29, 1957;
9:40 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

[Amdt. 1]

PART 103—SMALL BUSINESS SIZE STANDARDS

MISCELLANEOUS AMENDMENTS

The Small Business Administration Size Standards Regulation is hereby amended by:

1. Deleting § 103.2 (c) in its entirety and substituting the following in lieu thereof:

(c) "Number of employees," except as SBA otherwise determines in a particular industry or part thereof, means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the 15th of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "Number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the 15th of each month.

2. Deleting § 103.3 (b) in its entirety and substituting the following in lieu thereof:

(b) *Status of non-manufacturer.* Anyone who submits bids or offers in his own name, but who proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) He is a small business concern within the meaning of paragraph (a) of this section, and

(2) He is a regular dealer as defined by the regulations promulgated by the Secretary of Labor (41 CFR Part 201), pursuant to the Walsh-Healey Public Contracts Act, and

(3) In the case of Government procurement reserved for or involving the preferential treatment of small businesses or one involving equal bids, such non-manufacturer shall, in order to qualify as a small business, furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States or its Territories or possessions.

3. Adding the following sentence at the end of § 103.3 (c): "Whenever a Small Business Certificate is issued, the industry or field of operation of the concern which received such certificates shall be published in Schedule B of this part."

4. Deleting § 103.4 (i) in its entirety and substituting the following in lieu thereof:

(i) *Other standards.* (1) If a concern is engaged in the production of a number of products or the providing of a variety of services which are classified in different industries, the appropriate standard to be used is that which has been established for the industry or activity in which the concern is primarily engaged.

(2) If no standard for an industry or activity has been set out in this section, a concern seeking a size determination may apply to the Regional or Branch Office of SBA nearest to such concern's principal place of business for such determination.

5. Adding Schedule B as a part of the Small Business Size Standards as follows:

SCHEDULE B—INDUSTRIES AND FIELDS OF OPERATION IN WHICH THE SMALL BUSINESS ADMINISTRATION HAS ISSUED SMALL BUSINESS CERTIFICATES PURSUANT TO § 103.3 (c)

Industry or Field of Operation

1. Petroleum Refining
2. Electronics Manufacturing

(Sec. 205, 67 Stat. 234, as amended; 15 U. S. C. 634)

Dated: March 11, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-2470; Filed, Mar. 29, 1957;
8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission [Docket 6624]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

OTARION, INC., AND LELAND E. ROSEMOND

Subpart—*Dealing on exclusive and tying basis: § 13.670 Dealing on exclusive and tying basis.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 3, 38 Stat. 731; 15 U. S. C. 14) [Cease and desist order, Otation, Inc., et al., Dobbs Ferry, N. Y., Docket 6624, Mar. 14, 1957]

In the Matter of Otation, Inc., a Corporation, Leland E. Rosemond, Individually and as an Officer of Otation, Inc.

This proceeding was heard by a hearing examiner on the complaint of the

Commission charging a large manufacturer of hearing aid instruments and parts and accessories at Dobbs Ferry, N. Y., with approximately 120 distributors located throughout the United States, with violating section 3 of the Clayton Act by requiring its distributors not to handle competing products.

Following entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Otation, Inc., a corporation, its officers, agents, representatives and employees, and individual respondent Leland E. Rosemond, individually and as an officer of respondent corporation, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hearing aids or other similar or related products in commerce, as "commerce," is defined in the Clayton Act, do forthwith cease and desist from:

1. Selling or making any contract or agreement for sale of any such products on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in, or sell, hearing aids or other similar or related products supplied by any competitor or competitors of respondents;

2. Enforcing or continuing in operation, or effect, any condition, agreement, or understanding in, or in connection with, any existing contract of sale, which condition, agreement, or understanding is to the effect that the purchaser of said products shall not use or deal in hearing aids or other similar or related products supplied by any competitor or competitors of the respondents.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 14, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-2460; Filed, Mar. 29, 1957;
8:46 a. m.]

[Docket 6221]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SIMPLICITY PATTERN CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended—Furnishing services or facilities for processing, handling, etc., under 2 (e): § 13.830 Furnishing services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 45, 13) [Cease and desist order, Simplicity Pattern Company, Inc., New York, N. Y., Docket 6221, Mar. 13, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the largest manufacturer of dress patterns in the United States with violating section 2 (e) of the Clayton Act as amended through supplying cabinets and other equipment for displaying and storing the patterns to large customers free of charge while requiring smaller customers to rent or purchase the equipment; and charging violation of the Federal Trade Commission Act by the same and related practices.

After reception of evidence in support of the complaint, respondent filed motion seeking dismissal for failure of proof, and after oral argument the examiner granted dismissal as to Count I.

As to Count II, the hearing examiner made his initial decision and order to cease and desist from which counsel for both parties filed cross-appeals. Having heard the matter on briefs and oral argument, the Commission on March 13 rendered its decision denying both appeals and adopting the findings, conclusions, and order contained in the initial decision.

Said order to cease and desist is as follows:

It is ordered, That the respondent, Simplicity Pattern Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of dress patterns in commerce, as "commerce," is defined in the Clayton Act, do forthwith cease and desist from:

Contracting to furnish or furnishing to any of respondent's customers counter catalogs, cabinets or other equipment or facilities connected with the handling, sale or offering for sale of respondent's patterns, unless such catalogs, cabinets or other equipment or facilities are available on proportionally equal terms to all customers competing with such favored customers in the sale of respondent's patterns.

It is further ordered, That Count I of the complaint be, and it hereby is, dismissed.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent, Simplicity Pattern Company, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order contained in the initial decision.

Issued: March 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-2461; Filed, Mar. 29, 1957;
8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6227]

PART 301—PROCEDURE AND ADMINISTRATION JEOPARDY, BANKRUPTCY AND RECEIVERSHIPS

On December 6, 1956, notice of proposed rule making regarding the regulations under chapter 70 of the Internal Revenue Code of 1954, relating to jeopardy, bankruptcy and receiverships, was published in the FEDERAL REGISTER (21 F. R. 9656). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes as set forth below. Except as otherwise specifically provided therein, such regulations shall be effective on and after August 17, 1954, and shall apply only with respect to the taxes imposed by the Internal Revenue Code of 1954.

1. Section 301.6861-1 (a) is changed by revising the second sentence thereof to read as follows: "A jeopardy assessment may be made before or after the mailing of the notice of deficiency provided by section 6212."

2. The third sentence of § 301.6861-1 (c) is changed by deleting the words "district director" and inserting in lieu thereof the words "Commissioner, through his counsel."

3. Section 301.6863-1 (a) (3) is changed by deleting the last sentence thereof.

[SEAL] RUSSELL G. HARRINGTON,
Commissioner of Internal Revenue.

Approved: March 27, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

The following regulations relating to jeopardy, bankruptcy and receiverships are prescribed under Chapter 70 of the Internal Revenue Code of 1954, and except as otherwise specifically provided therein are effective on and after August 17, 1954, and are applicable with respect to taxes imposed under the Internal Revenue Code of 1954:

JEOPARDY, BANKRUPTCY AND RECEIVERSHIPS

JEOPARDY

Sec.	
301.6851	Statutory provisions; termination of taxable year.
301.6851-1	Termination of taxable year.
301.6861	Statutory provisions; jeopardy assessments of income, estate, and gift taxes.
301.6861-1	Jeopardy assessments of income, estate, and gift taxes.
301.6862	Statutory provisions; jeopardy assessment of taxes other than income, estate, and gift taxes.
301.6862-1	Jeopardy assessment of taxes other than income, estate, and gift taxes.
301.6863	Statutory provisions; stay of collection of jeopardy assessments.
301.6863-1	Stay of collection of jeopardy assessments; bond to stay collection.

Sec.
301.6863-2

Collection of jeopardy assessment; stay of sale of seized property pending Tax Court decision.

301.6864

Statutory provisions; termination of extended period for payment in case of carry-back.

BANKRUPTCY AND RECEIVERSHIPS

301.6871 (a)	Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.
301.6871 (a)-1	Immediate assessment of claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.
301.6871 (a)-2	Collection of assessed taxes in bankruptcy and receivership proceedings.
301.6871 (b)	Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.
301.6871 (b)-1	Claims for income, estate, and gift taxes in proceedings under the Bankruptcy Act and receivership proceedings; claim filed despite pendency of Tax Court proceedings.
301.6872	Statutory provisions; suspension of period on assessment.
301.6872-1	Suspension of running of period of limitations on assessment.
301.6873	Statutory provisions; unpaid claims.
301.6873-1	Unpaid claims in bankruptcy or receivership proceedings.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

301.7851 Statutory provisions; applicability of revenue laws.

AUTHORITY: §§ 301.6851 to 301.7851 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

JEOPARDY, BANKRUPTCY AND RECEIVERSHIPS

JEOPARDY

§ 301.6851 Statutory provisions; termination of taxable year.

Sec. 6851. Termination of taxable year—(a) Income tax in jeopardy—(1) In general. If the Secretary or his delegate finds that a taxpayer designs quickly to depart from the United States or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Secretary or his delegate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Secretary or his delegate, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.

(2) Corporation in liquidation. If the Secretary or his delegate finds that the collection of the income tax of a corporation for the current or the preceding taxable year will be jeopardized by the distribution of all or a portion of the assets of such corporation in the liquidation of the whole or any part of its capital stock, the Secretary or his delegate shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable.

(b) Reopening of taxable period. Notwithstanding the termination of the taxable period of the taxpayer by the Secretary or his delegate, as provided in subsection (a), the Secretary or his delegate may reopen such taxable period each time the taxpayer is found by the Secretary or his delegate to have received income, within the current taxable year, since a termination of the period under subsection (a). A taxable period so terminated by the Secretary or his delegate may be reopened by the taxpayer (other than a nonresident alien) if he files with the Secretary or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information as the Secretary or his delegate may by regulations prescribe. If the taxpayer is a nonresident alien the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Secretary or his delegate a true and accurate return of his total income derived from all sources within the United States, in the manner prescribed in this title.

(c) Citizens. In the case of a citizen of the United States or of a possession of the United States about to depart from the United States, the Secretary or his delegate may, at his discretion, waive any or all of the requirements placed on the taxpayer by this section.

(d) Departure of alien. No alien shall depart from the United States unless he first procures from the Secretary or his delegate a certificate that he has complied with all the obligations imposed upon him by the income tax laws.

(e) Furnishing of bond where taxable year is closed by the Secretary or his delegate. Payment of taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such taxes if the taxpayer furnishes, under regulations prescribed by the Secretary or his delegate, a bond to insure the timely making of returns with respect to, and payment of, such taxes or any income or excess profits taxes for prior years.

§ 301.6851-1 Termination of taxable year. For regulations under section 6851, see § 1.6851-1 of this chapter.

§ 301.6861 Statutory provisions; jeopardy assessments of income, estate, and gift taxes.

Sec. 6861. Jeopardy assessments of income, estate, and gift taxes—(a) Authority for making. If the Secretary or his delegate believes that the assessment or collection of a deficiency, as defined in section 6211, will be jeopardized by delay, he shall, notwithstanding the provisions of section 6213 (a), immediately assess such deficiency (together with all interest, additional amounts, and additions to the tax provided for by law), and

notice and demand shall be made by the Secretary or his delegate for the payment thereof.

(b) *Deficiency letters.* If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed under section 6212 (a), then the Secretary or his delegate shall mail a notice under such subsection within 60 days after the making of the assessment.

(c) *Amount assessable before decision of Tax Court.* The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the taxpayer, despite the provisions of section 6212 (c) prohibiting the determination of additional deficiencies, and whether or not the taxpayer has theretofore filed a petition with the Tax Court. The Secretary or his delegate may, at any time before the decision of the Tax Court is rendered, abate such assessment, or any unpaid portion thereof, to the extent that he believes the assessment to be excessive in amount. The Secretary or his delegate shall notify the Tax Court of the amount of such assessment, or abatement, if the petition is filed with the Tax Court before the making of the assessment or is subsequently filed, and the Tax Court shall have jurisdiction to redetermine the entire amount of the deficiency and of all amounts assessed at the same time in connection therewith.

(d) *Amount assessable after decision of Tax Court.* If the jeopardy assessment is made after the decision of the Tax Court is rendered, such assessment may be made only in respect of the deficiency determined by the Tax Court in its decision.

(e) *Expiration of right to assess.* A jeopardy assessment may not be made after the decision of the Tax Court has become final or after the taxpayer has filed a petition for review of the decision of the Tax Court.

(f) *Collection of unpaid amounts.* When the petition has been filed with the Tax Court and when the amount which should have been assessed has been determined by a decision of the Tax Court which has become final, then any unpaid portion, the collection of which has been stayed by bond as provided in section 6863 (b) shall be collected as part of the tax upon notice and demand from the Secretary or his delegate, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be credited or refunded to the taxpayer as provided in section 6402, without the filing of claim therefor. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the Secretary or his delegate.

(g) *Abatement if jeopardy does not exist.* The Secretary or his delegate may abate the jeopardy assessment if he finds that jeopardy does not exist. Such abatement may not be made after a decision of the Tax Court in respect of the deficiency has been rendered or, if no petition is filed with the Tax Court, after the expiration of the period for filing such petition. The period of limitation on the making of assessments and levy or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the 10th day after the day on which such jeopardy assessment is abated.

(h) *Cross references.* (1) For the effect of the furnishing of security for payment, see section 6863.

(2) For provision permitting immediate levy in case of jeopardy, see section 6331 (a).

§ 301.6861-1 *Jeopardy assessments of income, estate, and gift taxes.*—(a) *Authority for making.* If a district director believes that the assessment or collection of a deficiency in income, estate, or gift tax will be jeopardized by delay, he is required to assess such deficiency immediately, together with the interest, additional amounts, and additions to the tax provided by law. A jeopardy assessment may be made before or after the mailing of the notice of deficiency provided by section 6212. However, a jeopardy assessment for a taxable year under section 6861 cannot be made after a decision of the Tax Court with respect to such taxable year has become final (see section 7481) or after the taxpayer has filed a petition for review of the decision of the Tax Court with respect to such taxable year. In the case of a deficiency determined by a decision of the Tax Court which has become final or with respect to which the taxpayer has filed a petition for review and has not filed a bond as provided in section 7485, assessment may be made in accordance with the provisions of section 6215, without regard to section 6861.

(b) *Amount of jeopardy assessment.* If a notice of a deficiency is mailed to the taxpayer before it is discovered that delay would jeopardize the assessment or collection of the tax, a jeopardy assessment may be made in an amount greater or less than that included in the deficiency notice. If a deficiency is assessed on account of jeopardy after the decision of the Tax Court is rendered, the jeopardy assessment may be made only with respect to the deficiency determined by the Tax Court.

(c) *Jurisdiction of Tax Court.* If the jeopardy assessment is made before the notice in respect of the tax to which the jeopardy assessment relates has been mailed pursuant to section 6212 (a), the district director shall, within 60 days after the making of the assessment, send the taxpayer a notice of deficiency pursuant to such subsection. The taxpayer may file a petition with the Tax Court for a redetermination of the amount of the deficiency within the time prescribed in section 6213 (a). If the petition of the taxpayer is filed with the Tax Court, either before or after the making of the jeopardy assessment, the Commissioner, through his counsel, is required to notify the Tax Court of such assessment or of any abatement thereof, and the Tax Court has jurisdiction to redetermine the amount of the deficiency, together with all other amounts assessed at the same time in connection therewith.

(d) *Payment and collection of jeopardy assessment.* After a jeopardy assessment has been made, the district director is required to send notice and demand to the taxpayer for the amount of the jeopardy assessment. Regardless of whether the taxpayer has filed a petition with the Tax Court, he is required to make payment of the amount of such assessment (to the extent that it has not been abated) within 10 days after the sending of notice and demand by the district director, unless before the expiration of such 10-day period he files with the district director a bond as provided

in section 6863. Section 6331 provides that, if the district director makes a finding that the collection of the tax is in jeopardy, he may make demand for immediate payment of the amount of the jeopardy assessment and, in such case, the taxpayer shall immediately pay such amount or shall immediately file the bond provided in section 6863. If a petition is not filed with the Tax Court within the period prescribed in section 6213 (a), the district director will be so advised, and, if collection of the deficiency has been stayed by the timely filing of a bond as provided in section 6863, he should then give notice and make demand for payment of the amount assessed plus interest. After the Tax Court has rendered its decision and such decision has become final, the district director will be notified of the action taken. He will then send notice and demand for payment of the unpaid portion of the amount determined by the Tax Court, the collection of which has been stayed by the bond. If the amount of the jeopardy assessment is less than the amount determined by the Tax Court, the difference will be assessed and collected as part of the tax upon notice and demand from the district director. If the amount of the jeopardy assessment is in excess of the amount determined by the Tax Court, the unpaid portion of such excess will be abated. If any part of the excess amount has been paid, it will be credited or refunded to the taxpayer as provided in section 6402, without the filing of claim therefor.

(e) *Abatement of excessive assessment.* The district director may, at any time before the decision of the Tax Court is rendered, abate such assessment, or any unpaid portion thereof, to the extent that he believes the assessment to be excessive in amount.

(f) *Abatement if jeopardy does not exist.* (1) The district director may abate a jeopardy assessment in whole or in part, if it is shown to his satisfaction that jeopardy does not exist. An abatement may not be made under this paragraph after a decision of the Tax Court in respect of the deficiency has been rendered or, if no petition is filed with such court, after the expiration of the period for filing such petition.

(2) After abatement of a jeopardy assessment in whole or in part, the district director may proceed to assess and collect a deficiency in the manner authorized by law as if the jeopardy assessment or part thereof so abated had not existed. If a notice of deficiency has been sent to the taxpayer before the abatement of the jeopardy assessment in whole or in part, whether such notice was sent before or after the making of the assessment, such abatement will not affect the validity of the notice or of any proceedings for redetermination based thereon. The period of limitation on the making of assessments and the beginning of levy or a proceeding in court for collection in respect of any deficiency shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment un-

til the expiration of the tenth day after the date on which such jeopardy assessment is abated in whole or in part. The provisions of this subparagraph may be illustrated by the following example:

Example. On March 18, 1958, 28 days before the last day of the 3-year period of limitations on assessment, a jeopardy assessment is made in respect of a proposed deficiency. On May 2, 1958, before the mailing of the notice of deficiency provided by section 6861 (b), this assessment is abated. By virtue of this subparagraph, the last day of the period of limitations for the making of an assessment is June 9, 1958, that is, the thirty-eighth day after the date of the abatement. If the notice of deficiency provided for in section 6861 (b) had been sent before the abatement, the running of the period of limitations on assessment would have been suspended pursuant to the provisions of section 6503 (a).

(3) Request for abatement of a jeopardy assessment, because jeopardy does not exist, shall be filed with the district director, shall state fully the reasons for the request, and shall be supported by such evidence as will enable the district director to determine that the collection of the deficiency is not in jeopardy. See paragraph (e) of this section with respect to the abatement of jeopardy assessments which are excessive in amount.

§ 301.6862 Statutory provisions; jeopardy assessment of taxes other than income, estate, and gift taxes.

SEC. 6862. Jeopardy assessment of taxes other than income, estate, and gift taxes—
(a) *Immediate assessment.* If the Secretary or his delegate believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest, additional amounts, and additions to the tax provided for by law). Such tax, additions to the tax, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the Secretary or his delegate for the payment thereof.

(b) *Immediate levy.* For provision permitting immediate levy in case of jeopardy, see section 6331 (a).

§ 301.6862-1 Jeopardy assessment of taxes other than income, estate, and gift taxes. (a) If the district director believes that the collection of any tax (other than income, estate, or gift tax) will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for filing the return or paying such tax has expired, immediately assess such tax, together with all interest, additional amounts and additions to the tax provided by law. For example, assume that a taxpayer incurs on January 18, 1955, liability for admissions tax imposed by section 4231, that the last day on which return and payment of such tax is required to be made is April 30, 1955, and that on January 18, 1955, the district director determines that collection of such tax would be jeopardized by delay. In such case, the district director shall immediately assess the tax.

(b) The tax, interest, additional amounts, and additions to the tax will, upon assessment, become immediately due and payable, and the district direc-

tor shall, without delay, issue a notice and demand for payment thereof in full. Upon failure or refusal to pay the amount demanded, collection thereof by levy shall be lawful without regard to the 10-day period provided in section 6331 (a). However, the collection of the whole or any part of the amount of the jeopardy assessment may be stayed by timely filing with the district director a bond as provided in section 6863.

§ 301.6863 Statutory provisions; stay of collection of jeopardy assessments.

SEC. 6863. Stay of collection of jeopardy assessments—(a) *Bond to stay collection.* When a jeopardy assessment has been made under section 6861 or 6862, the collection of the whole or any amount of such assessment may be stayed by filing with the Secretary or his delegate, within such time as may be fixed by regulations prescribed by the Secretary or his delegate, a bond in an amount equal to the amount as to which the stay is desired, conditioned upon the payment of the amount (together with interest thereon) the collection of which is stayed, at the time at which, but for the making of the jeopardy assessment, such amount would be due. Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The taxpayer shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the taxpayer, be proportionately reduced. If any portion of the jeopardy assessment is abated, the bond shall, at the request of the taxpayer, be proportionately reduced.

(b) *Further conditions in case of income, estate, or gift taxes.* In the case of taxes subject to the jurisdiction of the Tax Court—

(1) *Prior to petition to Tax Court.* If the bond is given before the taxpayer has filed his petition under section 6213 (a), the bond shall contain a further condition that if a petition is not filed within the period provided in such section, then the amount, the collection of which is stayed by the bond, will be paid on notice and demand at any time after the expiration of such period, together with interest thereon from the date of the jeopardy notice and demand to the date of notice and demand under this paragraph.

(2) *Effect of Tax Court decision.* The bond shall be conditioned upon the payment of so much of such assessment (collection of which is stayed by the bond) as is not abated by a decision of the Tax Court which has become final. If the Tax Court determines that the amount assessed is greater than the amount which should have been assessed, then when the decision of the Tax Court is rendered the bond shall, at the request of the taxpayer, be proportionately reduced.

(3) *Stay of sale of seized property pending Tax Court decision—*(A) *General rule.* Where, notwithstanding the provisions of section 6213 (a), a jeopardy assessment has been made under section 6861 the property seized for the collection of the tax shall not be sold—

(i) If section 6861 (b) is applicable, prior to the issuance of the notice of deficiency and the expiration of the time provided in section 6213 (a) for filing petition with the Tax Court, and

(ii) If petition is filed with the Tax Court (whether before or after the making of such jeopardy assessment under section 6861), prior to the expiration of the period during which the assessment of the deficiency would be prohibited if section 6861 (a) were not applicable.

(B) *Exceptions.* Such property may be sold if—

(i) the taxpayer consents to the sale,
(ii) the Secretary or his delegate determines that the expenses of conservation and maintenance will greatly reduce the net proceeds, or

(iii) the property is of the type described in section 6336.

(C) *Applicability.* Subparagraphs (A) and (B) shall be applicable only with respect to a jeopardy assessment made on or after January 1, 1955, and shall apply with respect to taxes imposed by this title and with respect to taxes imposed by the Internal Revenue Code of 1939.

§ 301.6863-1 Stay of collection of jeopardy assessments; bond to stay collection—(a) *General rule.* (1) The collection of a jeopardy assessment of any tax may be stayed by filing with the district director a bond on the form to be furnished by the district director upon request.

(2) The bond may be filed—

(i) At any time before the time collection by levy is authorized under section 6331 (a), or

(ii) After collection by levy is authorized and before levy is made on any property or rights to property, or

(iii) In the discretion of the district director, after any such levy has been made and before the expiration of the period of limitations on collection.

(3) The bond must be in an amount equal to the portion (including interest thereon to the date of payment as calculated by the district director) of the jeopardy assessment collection of which is sought to be stayed. See section 7101 and the regulations thereunder, relating to the form of bond and the sureties thereon. The bond shall be conditioned upon the payment of the amount (together with interest thereon), the collection of which is stayed, at the time at which, but for the making of the jeopardy assessment, such amount would be due.

(4) Upon the filing of a bond in accordance with this section, the collection of so much of the assessment as is covered by the bond will be stayed. The taxpayer may at any time waive the stay of collection of the whole or any part of the amount covered by the bond. If as a result of such waiver any part of the amount covered by the bond is paid, or if any portion of the jeopardy assessment is abated by the district director, then the bond shall at the request of the taxpayer be proportionately reduced.

(b) *Additional conditions applicable to income, estate, and gift tax assessments.* In the case of a jeopardy assessment of income, estate, or gift tax, the bond must be conditioned upon the payment of so much of the amount included therein as is not abated by a decision of the Tax Court which has become final, together with the interest on such amount. If the Tax Court determines that the amount assessed is greater than the correct amount of the tax, the bond will be proportionately reduced at the request of the taxpayer after the Tax Court renders its decision. If the bond is given before the taxpayer has filed his petition with the Tax Court, it must contain a further condition that if a petition is not filed before the expiration of the period provided in section 6213 (a) for the filing of such

petition, the amount stayed by the bond will be paid upon notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 percent per annum from the date of the jeopardy notice and demand to the date of the notice and demand made after the expiration of the period for filing petition with the Tax Court.

§ 301.6863-2 Collection of jeopardy assessment; stay of sale of seized property pending Tax Court decision—(a) General rule. In the case of a jeopardy assessment made after December 31, 1954, of income, estate, or gift tax imposed by the Internal Revenue Code of 1954 or 1939, any property seized for the collection of such assessment shall not (except as provided in paragraph (b) of this section) be sold—

(1) Until the expiration of the period provided in section 6213 (a) within which the taxpayer may file a petition for redetermination with the Tax Court, and

(2) If a petition for redetermination is filed with the Tax Court (whether before or after the making of the jeopardy assessment), until the decision of the Tax Court becomes final, except that a petition for review of the Tax Court decision will not operate as a further stay of the sale of the seized property unless the taxpayer files a bond as provided in section 7485.

(b) *Exceptions.* Notwithstanding the provisions of paragraph (a) of this section, any property seized may be sold—

(1) If the taxpayer files with the district director a written consent to the sale, or

(2) If the district director determines that the expenses of conservation and maintenance of the property will greatly reduce the net proceeds from the sale of such property, or

(3) If the property is of a type to which section 6336 (relating to sale of perishable goods) is applicable.

§ 301.6864 Statutory provisions; termination of extended period for payment in case of carryback.

SEC. 6864. Termination of extended period for payment in case of carryback. For termination of extensions of time for payment of income tax granted to corporations expecting carrybacks in case of jeopardy, see section 6164 (h).

BANKRUPTCY AND RECEIVERSHIPS

§ 301.6871 (a) Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.

SEC. 6871. Claims for income, estate, and gift taxes in bankruptcy and receivership proceedings—(a) *Immediate assessment.* Upon the adjudication of bankruptcy of any taxpayer in any liquidating proceeding, the approval of a petition of, or against, any taxpayer in any other bankruptcy proceeding, or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided by law) determined by the Secretary or his delegate in respect of a tax imposed by subtitle A or B upon such taxpayer shall, despite the restrictions imposed by sec-

tion 6213 (a) upon assessments, be immediately assessed if such deficiency has not theretofore been assessed in accordance with law.

§ 301.6871 (a)-1 Immediate assessment of claims for income, estate, and gift taxes in bankruptcy and receivership proceedings. (a) Upon the adjudication of bankruptcy of any taxpayer in any liquidating proceeding, or the approval of a petition of, or against, any taxpayer in any other proceeding under the Bankruptcy Act, or the appointment of any receiver for any taxpayer in a receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, the district director shall immediately assess any deficiency of income, estate, or gift tax (together with all interest, additional amounts, or additions to the tax provided by law), determined by him, if such deficiency has not theretofore been assessed in accordance with law. Such assessment shall be made immediately, whether or not a notice of deficiency has been issued, and without regard to the restrictions upon assessments under section 6213.

(b) As used in this section and §§ 301.6871 (a)-2 to 301.6873-1, inclusive, (1) the term "proceeding under the Bankruptcy Act" includes a proceeding under chapters I to VII, inclusive, of the Bankruptcy Act (11 U. S. C. cc. 1-VII), or under section 75 or 77, or chapters X to XIII, inclusive, of such act, or any other proceeding under the act; and (2) the term "approval of a petition . . ." in any other proceeding under the Bankruptcy Act" includes the filing of a petition under section 75 or chapters XI to XIII, inclusive, of the Bankruptcy Act with a court of competent jurisdiction.

§ 301.6871 (a)-2 Collection of assessed taxes in bankruptcy and receivership proceedings. (a) During a proceeding under the Bankruptcy Act or a receivership proceeding in either a Federal or State court, generally the assets of the taxpayer are under the control of the court in which such proceeding is pending, and the collection of taxes cannot be made by levying upon such assets. However, any assets which under applicable provisions of law are not under the control of the court may be subject to levy. See paragraph (b) of this section and § 301.6871 (b)-1 with respect to claims for such taxes. See section 6873 with respect to collection of unpaid claims.

(b) District directors should, promptly after ascertaining the existence of any outstanding liability against a taxpayer in any proceeding under the Bankruptcy Act or in any receivership proceeding, and in any event within the time limited by the appropriate provisions of the Bankruptcy Act, or by the appropriate orders of the court in which such proceeding is pending, file proof of claim covering such liability in the court in which such proceeding is pending. Such proof of claim should be filed whether the unpaid taxes involved have been assessed or not, except in cases where the instructions of the Commissioner direct otherwise; for example, where the payment of the taxes is secured by a sufficient bond. At the same time proof

of claim is filed with the bankruptcy or receivership court, the district director will send notice and demand for payment to the taxpayer, together with a copy of such proof of claim.

(c) Under sections 3466 and 3467 of the Revised Statutes and section 64 of the Bankruptcy Act, taxes are entitled to the priority over other claims therein specified, and the trustee, receiver, debtor in possession, or other person designated as in control of the assets of the debtor by the court in which the proceeding under the Bankruptcy Act or receivership proceeding is pending, may be held personally liable for failure on his part to protect the priority of the Government respecting taxes of which he has notice. Sections 75 (1), 77 (e), 199, 337 (2), 455, and 659 (6) of the Bankruptcy Act (11 U. S. C. 203 (1), 205 (e), 599, 737 (2), 855, and 1059 (6)) also contain provisions with respect to the rights of the United States relative to priority of payment. For the filing of returns by a trustee in bankruptcy or by a receiver, see section 6012 (b) (3) and 28 U. S. C. 960. Bankruptcy courts have jurisdiction under the Bankruptcy Act to determine all disputes regarding the amount and validity of taxes claimed in a proceeding under the Bankruptcy Act. A proceeding under the Bankruptcy Act or receivership proceeding does not discharge any portion of a claim of the United States for taxes except in the case of a proceeding under section 77 or chapter X of the Bankruptcy Act. However, the claim may be settled or compromised as in other cases in court.

(d) For the requirement that a receiver, trustee in bankruptcy, or other like fiduciary give notice as to his qualification as such, see section 6036 and the regulations thereunder.

§ 301.6871 (b) Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.

SEC. 6871. Claims for income, estate, and gift taxes in bankruptcy and receivership proceedings. . . .

(b) *Claim filed despite pendency of Tax Court proceedings.* In the case of a tax imposed by subtitle A or B claims for the deficiency and such interest, additional amounts, and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency in pursuance of a petition to the Tax Court; but no petition for any such redetermination shall be filed with the Tax Court after the adjudication of bankruptcy, approval of the petition in any other bankruptcy proceeding, or the appointment of the receiver.

§ 301.6871 (b)-1 Claims for income, estate, and gift taxes in proceedings under the Bankruptcy Act and receivership proceedings; claim filed despite pendency of Tax Court proceedings. (a) If the district director has determined that a deficiency is due in respect of income, estate, or gift tax and the taxpayer has filed a petition with the Tax Court before the adjudication of bankruptcy in any liquidating proceeding or before the approval of a petition in any other proceeding under the Bankruptcy Act or before

the appointment of a receiver, the trustee, receiver, debtor in possession, or other like fiduciary, may, upon his own motion, be made a party to the Tax Court proceeding and thereafter may prosecute the appeal before the Tax Court as to that particular determination. No petition shall be filed with the Tax Court for a redetermination of the deficiency after the adjudication of bankruptcy in a liquidating proceeding or after the approval of a petition in any other proceeding under the Bankruptcy Act or after the appointment of a receiver.

(b) Even though the determination of a deficiency is pending before the Tax Court for redetermination, proof of claim for the amount of such deficiency may be filed with the court in which the proceeding under the Bankruptcy Act or receivership proceeding is pending without awaiting final decision of the Tax Court. In case of a final decision of the Tax Court before the payment or the disallowance of the claim in the proceeding under the Bankruptcy Act or receivership proceeding, a copy of the Tax Court's decision may be filed by the district director with the court in which such proceeding is pending.

(c) While a district director is required by section 6871 (a) to make immediate assessment of any deficiency, such assessment is not made as a jeopardy assessment within the meaning of section 6861, and consequently the provisions of that section do not apply to any assessment made under section 6871. Therefore, the notice of deficiency provided in section 6861 (b) will not be mailed. Although such notice will not be issued, a letter will be sent to the taxpayer or to the trustee, receiver, debtor in possession, or other like fiduciary, notifying him in detail how the deficiency was computed, that he may furnish evidence showing wherein the deficiency is incorrect, and that upon request he will be granted a conference by the district director with respect to such deficiency. However, such letter will not provide for such a conference where a petition was filed with the Tax Court before the adjudication of bankruptcy in a liquidating proceeding, before the approval of a petition in any other proceeding under the Bankruptcy Act, or before the appointment of a receiver.

§ 301.6872 Statutory provisions; suspension of period on assessment.

Sec. 6872. *Suspension of period on assessment.* If the regulations issued pursuant to section 6036 require the giving of notice by any fiduciary in any proceeding under the Bankruptcy Act, or by a receiver in any other court proceeding, to the Secretary or his delegate of his qualification as such, the running of the period of limitations on the making of assessments shall be suspended for the period from the date of the institution of the proceeding to a date 30 days after the date upon which the notice from the receiver or other fiduciary is received by the Secretary or his delegate; but the suspension under this sentence shall in no case be for a period in excess of 2 years.

§ 301.6872-1 Suspension of running of period of limitations on assessment. If any fiduciary in any proceeding under

the Bankruptcy Act (including a trustee, receiver, or debtor in possession) or a receiver in any other court proceeding is required, pursuant to section 6036, to give notice in writing to the district director of his qualification as such, then the running of the period of limitations on assessment shall be suspended from the date the proceeding is instituted to the date such notice is received by the district director, and for an additional 30 days thereafter. However, the suspension under this section of the running of the period of limitation on assessment shall in no case exceed 2 years.

§ 301.6873 Statutory provisions; unpaid claims.

Sec. 6873. *Unpaid claims—(a) General rule.* Any portion of a claim for taxes allowed in a receivership proceeding or any proceeding under the Bankruptcy Act which is unpaid shall be paid by the taxpayer upon notice and demand from the Secretary or his delegate after the termination of such proceeding.

(b) *Cross references.* (1) For suspension of running of period of limitations on collection, see section 6503 (b).

(2) For extension of time for payment, see section 6161 (c).

§ 301.6873-1 *Unpaid claims in bankruptcy or receivership proceedings.* (a) If any portion of the claim allowed by the court in a receivership proceeding, or in any proceeding under the Bankruptcy Act, remains unpaid after the termination of such proceeding, the district director will send notice and demand for payment thereof to the taxpayer. Such unpaid portion with interest as provided in section 6601 may be collected from the taxpayer by levy or proceeding in court within the period of limitation for collection after assessment. For the general rule as to such period of limitation, see section 6502, and for suspensions of the running of the period provided in section 6502, see, for example, section 6503. For suspensions under other provisions of law, see, for example, section 11f of the Bankruptcy Act (11 U. S. C. 29 (f)). Extension of time for the payment of such unpaid amount may be granted in the same manner and subject to the same provisions and limitations as provided in section 6161 (c).

(b) Section 6873 is applicable only where a claim for taxes is allowed in a receivership proceeding or in a proceeding under the Bankruptcy Act. Claims for taxes, interest, additional amounts, or additions to the tax may be collectible in equity or under other provisions of law although no claim was allowed in the proceeding because, for example, such items were not included in a proof of claim filed in the proceeding or no proof of claim was filed. Except in the case of a proceeding under section 77 or chapter X of the Bankruptcy Act, a tax or a liability in respect thereof is not discharged by a proceeding under such act, whether or not a claim is filed in such proceeding, and provisions suspending the running of the period of limitation on the collection of taxes are applicable, whether or not a claim is filed in such proceeding.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

§ 301.7851 Statutory provisions; applicability of revenue laws.

SEC. 7851. *Applicability of revenue laws—(a) General rules.* Except as otherwise provided in any section of this title—

(6) Subtitle F.

(A) *General rule.* The provisions of subtitle F [including chapter 70, relating to jeopardy, bankruptcy and receiverships] shall take effect on the day after the date of enactment of this title and shall be applicable with respect to any tax imposed by this title.

[F. R. Doc. 57-2476; Filed, Mar. 29, 1957; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-41, Direction I of March 27, 1957]

M-41—METALWORKING MACHINES: DELIVERY

DIR. 1—SCHEDULING OF METALWORKING MACHINES BEARING SPECIFIED URGENCY STANDING NUMBERS

This direction under BDSA Order M-41, as amended February 5, 1954, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.

1. What this direction does.
2. Scheduling of deliveries by producers of metalworking machines.
3. Effect of this direction on BDSA Order M-41.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2071, 2155; E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.

SECTION 1. What this direction does. This direction establishes a procedure for the scheduling of deliveries of metalworking machines the rated purchase orders for which are identified by urgency standing numbers 1 through 30 on the Numerical Preference List issued on or after March 15, 1957. It is designed to insure that deliveries of metalworking machines thus identified will receive priority over delivery of metalworking machines to service purchasers on rated orders which are not so identified. This direction affects only those producers of metalworking machines who have or receive rated orders identified by urgency standing numbers 1

through 30 on the Numerical Preference List issued on or after March 15, 1957.

Sec. 2. *Scheduling of deliveries by producers of metalworking machines.* (a) A producer after determining the number of metalworking machines of each size which he is required to deliver on rated orders for any month to service purchasers pursuant to section 3 of BDSA Order M-41 will first schedule for delivery during that month those rated orders for metalworking machines required in that month or sooner which are identified by urgency standing numbers 1 through 30 on the Numerical Preference List, without regard to individual service group quotas but within total service group quotas. The delivery sequence of metalworking machines identified by urgency standing numbers 1 through 30 scheduled for delivery pursuant to this paragraph shall be in accordance with their urgency standing numbers on the Numerical Preference List.

(b) After scheduling the deliveries of each size of metalworking machines as provided in paragraph (a) of this section a producer shall then subtract the number of metalworking machines of that size scheduled for delivery pursuant to paragraph (a) of this section from the total service group quota for that size in order to determine the balances remaining for delivery to service groups. The producer will then schedule for delivery such balances, if any, in accordance with service group quotas for the delivery month, computed as provided in sections 4 and 6 of BDSA Order M-41, except that in computing the total net backlog, and the net backlog of each service group, he shall exclude those rated orders identified by urgency standing numbers 1 through 30.

Sec. 3. *Effect of this direction on BDSA Order M-41.* Except as herein specifically provided the provisions of BDSA Order M-41 remain in full force and effect.

This direction shall take effect March 27, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 57-2474; Filed, Mar. 29, 1957; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

SOUTH FORK OF NEW RIVER, FLORIDA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.446b is hereby prescribed to govern the operation of the State Road Department of Florida bridge (State Road No. 84) across the South Fork of New River, Mile 4.4, near Fort Lauderdale, Florida, as follows:

§ 203.446b *South Fork of New River, Fla.; State Road Department of Florida bridge (State Road No. 84) at Mile 4.4, near Fort Lauderdale, Fla.* The owner or agency controlling the bridge will not be required to keep a draw tender constantly on duty. An advance notice of at least 24 hours will be required to open the drawspan.

[Regs., March 18, 1957, 823.01 (New River, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-2452; Filed, Mar. 29, 1957; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[Gen. Order 22, 3d Rev., Amdt. 4, WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

SUBPART A—REGULATIONS AND MINIMUM STANDARDS FOR STATE MARITIME ACADEMIES

MISCELLANEOUS AMENDMENTS

Effective as of July 1, 1956, §§ 310.2 (a) (5) (iii), 310.6, 310.7, 310.8 (a), and 310.10 (b), are hereby amended as follows:

§ 310.2 *Federal aid and finances—(a) Annual grant and loan of training vessel.* * * *

(iii) Per capita costs for out-of-state students shall be paid by the Maritime Administration, and shall be computed annually by using the cost figures of the State Maritime Academies for the preceding fiscal year. To determine this cost the total average number of state cadets for the preceding fiscal year will be divided into the net operating cost of operating the Academy for such fiscal year that was paid from funds supplied by the State Government. Vouchers, Standard Form 1034, covering per capita costs of such students will be submitted monthly, after the determination of the per capita costs, and shall be accompanied by a list of the cadets who have been nominated.

§ 310.6 *Entrance standards.* (a) A candidate for admission to a State Maritime Academy or College must be a male citizen of the United States and qualify as a Merchant Marine student, as set forth in Department of the Navy, Bureau of Naval Personnel Recruiting Service Note 199-56, dated August 3, 1956, and after December 31, 1956, as incorporated in the Recruiting Service Manual. Such Merchant Marine student shall also agree in writing to apply, at an appropriate time, prior to graduation, for a commission as Ensign in the U. S. Naval Reserve and to accept such commission if tendered: *Provided, however,* That a waiver of this requirement may be made by the Maritime Administrator, if the physical defects noted in the Navy examination are not such as to disqualify the candidate physically for a license in the Mer-

chant Marine, in accordance with the regulations prescribed by the United States Coast Guard: *And provided further,* That all Cadets who have been granted a waiver by the Maritime Administrator and who have received the uniform, textbook and subsistence allowance, must agree in writing to apply, at an appropriate time, prior to graduation, for a commission as Ensign in the U. S. Naval Reserve and accept the commission of tendered. Students appointed to the State Maritime Academies or College who receive a Federal subsistence and uniform and textbook allowance, shall not be less than 17 years of age and they shall not have reached their 22nd birthday on the year appointed to the State Maritime Academy or College. The State may fix the age limits of students not receiving the subsistence, uniform and textbook allowance. However, the physical and other requirements in the case of these students shall not be less than required by the U. S. Coast Guard for licensing as a Merchant Marine officer.

§ 310.7 *Enrollment.* To be eligible, a candidate who has qualified under the provisions of § 310.6 for the uniform, textbook and subsistence allowance will be enrolled in the United States Maritime Service. Upon enrollment, he shall be required to take an oath or affirmation of allegiance to the United States of America, and submit to fingerprinting and a copy of form MA-2016 shall be furnished to the Administrator.

§ 310.8 *Uniforms, textbooks and subsistence.* (a) Each Cadet who has been admitted to a State Maritime Academy or State Maritime College, who has qualified as a Merchant Marine student as set forth in § 310.6 or has been granted a waiver by the Maritime Administrator and has been enrolled in the U. S. Maritime Service, may upon recommendation to the Administrator, by the Superintendent of the Academy or President of the College, be granted a uniform, textbook and subsistence allowance at the rate provided therefor in the applicable appropriation act for each fiscal year, payable monthly. The subsistence allowance will be paid directly to the Cadet concerned or, if approval is granted by the Administrator, to the State Maritime Academy or College upon presentation of a statement, containing the names of the Cadets for whom subsistence has been furnished during that month and such other information as may be required by the Administrator. The uniform and textbook allowances will be paid either directly to the Cadet concerned or, with the approval of the Administrator, to the State Maritime Academy or College upon certification by the Superintendent or President thereof, respectively, that such allowances will be credited to the account of each Cadet. No Cadet will be granted a uniform, textbook, or subsistence allowance for any time during which he is absent without leave for a condition not in line of duty.

§ 310.10 *Medical attention and injury claims.* * * *

(b) *Compensation claims of Cadets.* Compensation claims for personal in-

juries or death sustained by a Cadet enrolled in the Maritime Service in performance of duty shall be forwarded to the Administrator for transmission to the Bureau of Employees' Compensation. (Sec. 4, 55 Stat. 607; 34 U. S. C. 1123d)

Dated: March 18, 1957.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 57-2475; Filed, Mar. 29, 1957;
8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 33—CENTRAL REGION

SUBPART—UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE, ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

HUNTING

Basis and purpose. On the basis of investigations by representatives of the Illinois Department of Conservation, Iowa State Conservation Commission, Minnesota Department of Conservation, Wisconsin Conservation Department, and of the Bureau of Sport Fisheries and Wildlife, and after a consideration of the public expressions resulting from meetings which have been held in various cities and towns adjacent to the Upper Mississippi River Wild Life and Fish Refuge, I have determined that public hunting may be permitted, from time to time, on certain lands of the said refuge without interfering with the primary purpose of the area.

Inasmuch as the following regulation is a modification of the existing restrictions applicable to hunting on the Upper Mississippi River Wild Life and Fish Refuge that will accomplish more adequately the purposes for which the refuge was established, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.274 and 33.275 are revised to read as follows:

§ 33.274 **Hunting permitted.** The hunting of upland game birds and game mammals and the hunting of migratory game birds is permitted within the open areas of the Upper Mississippi River Wild Life and Fish Refuge subject to the following conditions, restrictions, and requirements:

(a) **State laws.** Any person who hunts within the refuge must comply with all applicable State laws and regulations, and hunting is not permitted at any time when State law or regulation does not allow such hunting.

(b) **Hunting licenses and permits.** Any person who hunts within the refuge shall be in possession of a valid State hunting license if such license is required, which license shall serve as a Federal permit for hunting on lands of the refuge.

(c) **Federal hunting laws.** Any person hunting migratory game birds within the open areas of the refuge must comply with the regulations prescribed under the Migratory Bird Treaty Act.

(d) **Hunting season and open areas.** During the period commencing on the first day of the migratory waterfowl hunting season until March 1 of each succeeding year, public hunting is permitted on all the lands under the jurisdiction of the Bureau of Sport Fisheries and Wildlife except within the closed areas as defined in § 33.275, provided that the hunting of deer with bow and arrow may be permitted in advance of the migratory waterfowl hunting season.

(e) **Entry.** Entry on and use of the refuge for any purpose are governed by the regulations in Parts 18 and 21 of this chapter, and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall follow such routes of travel as may be designated by suitable posting by the refuge officer in charge. Hunters, when entering or leaving a public hunting area, must report to representatives of the bureau or of the State at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.275 **Closed areas.** The following areas are designated as areas closed to hunting, and all hunting is prohibited thereon except that the hunting of upland game birds and mammals, in compliance with the provisions of paragraphs (a), (b), and (c) of § 33.274, is permitted on such closed areas from the first day after the close of the migratory waterfowl hunting season until the last day of the respective State open season or until March 1, whichever date shall occur first.

WISCONSIN

BUFFALO COUNTY

Nelson-Trevino closed area. All the lands and waters lying and being in portions of Sec. 6, T. 22 N., R. 13 W., fourth principal meridian, secs. 1, 2, 3, 4, 10, 11, 12, 13, and 14, T. 22 N., R. 14 W., and secs. 33, 34, 35, and 36, T. 23 N., R. 14 W., Buffalo County, Wisconsin, which are enclosed by the following-described boundaries: Beginning at the intersection of the westerly right-of-way boundary of the Wabasha-Nelson Ferry Road (Wisconsin State Trunk Highway No. 25) with the southerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad in the frac. NW¼NW¼ of sec. 6, T. 22 N., R. 13 W.; thence southwesterly, with the westerly right-of-way boundary of the Wabasha-Nelson Road to the northerly or left bank of the Mississippi River in sec. 13, T. 22 N., R. 14 W.; thence northwesterly, up the northerly bank of the Mississippi River, to the easterly or left bank of the Chippewa River in sec. 4, T. 22 N., R. 14 W.; thence northerly, with the easterly bank of the Chippewa River, to the southerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad in lot 2 of the SE¼ sec. 33, T. 23 N., R. 14 W.; thence southeasterly, with said right-of-way boundary of the Chicago, Burlington & Quincy Railroad, to the Place of Beginning.

WISCONSIN

BUFFALO COUNTY

MINNESOTA

WABASHA COUNTY

Petersons Lake-Reicks Lake closed area. All the lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service (excluding lands under the sole jurisdiction of the Corps of Engineers) and lying and being in portions of secs. 21, 22, 25, 26,

27, 28, 34, and 35, T. 22 N., R. 13 W., fourth principal meridian, and sec. 2, T. 21 N., R. 13 W., Buffalo County, Wisconsin, and in secs. 7, 17, 18, 19, and 20, T. 110 N., R. 9 W., fifth principal meridian, and secs. 1, 12, and 13, T. 110 N., R. 10 W., Wabasha County, Minnesota, which are enclosed by the following-described boundaries: Beginning at the northwest corner of lot 8, sec. 21, T. 22 N., R. 13 W.; thence easterly, with the north line of lot 8 of said sec. 21, to an intersection with the westerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence southeasterly, with said right-of-way boundary to an intersection with the line between secs. 22 and 27, T. 22 N., R. 13 W.; thence easterly, with said section line, to U. S. Corps of Engineers Project Boundary Pin #50; thence with the Project Boundary as established by the Corps of Engineers, S. 45° 48' E., 1,079.7 feet; S. 36° 58' E., 1,484.2 feet; S. 37° 20' E., 701.9 feet; S. 60° 57' E., 711.6 feet to Project Boundary Pin #46, located in lot 4 of sec. 27, T. 22 N., R. 13 W.; thence continuing with said project boundary through secs. 27 and 26, T. 22 N., R. 13 W., N. 43° 19' E., 529.6 feet; N. 36° 18' E., 500.2 feet; N. 56° 16' E., 447.2 feet; N. 79° 47' E., 486.9 feet; N. 16° 04' W., 370.9 feet to a point in the north boundary of lot 3 of sec. 26; easterly, with said north boundary, to the northeast corner on lot 3; N. 88° 41' E., with the south boundary of the north 40 acres of lot 4 of sec. 26, 1,350.9 feet to the southeast corner thereof; S. 78° 02' E., 592.9 feet; N. 71° 09' E., 340.1 feet; N. 66° 19' E., 445.5 feet; N. 77° 38' E., 253.3 feet; S. 83° 50' E., 785.0 feet; N. 83° 01' E., 287.9 feet to Pin #31 in the line between secs. 25 and 26, T. 22 N., R. 13 W.; thence southerly with said section line, approximately 210 feet to the N1/16 corner of secs. 26 and 25; thence easterly with the north one-sixteenth line of sec. 25, T. 22 N., R. 13 W., to the southwest corner of lot 4; thence northerly, with the west boundary of lot 4, 213.2 feet to corner 3 of tract (B-321); thence N. 89° 58' E., 949.7 feet to corner 4 of tract (B-321), in the north-south center line of sec. 25, T. 22 N., R. 13 W., extended and in the U. S. Corps of Engineers Project Boundary; thence, with the north-south center line of sec. 25, T. 22 N., R. 13 W., and with said Project Boundary, S. 0° 02' E., 1,907.1 feet to Project Boundary Pin #22; thence continuing with the U. S. Corps of Engineers Project Boundary across secs. 25 and 26, S. 69° 35' W., 1,406.2 feet; S. 71° 00' W., 798.9 feet; S. 51° 29' W., 302.2 feet; S. 49° 27' W., 441.3 feet; S. 44° 07' W., 322.9 feet; N. 76° 18' W., 645.0 feet; S. 84° 26' W., 464.7 feet; N. 78° 41' W., 439.5 feet; S. 82° 02' W., 583.5 feet; S. 61° 21' W., 135.6 feet; S. 59° 33' W., 215.8 feet; S. 70° 59' W., 418.1 feet; S. 26° 18' W., 227.3 feet; S. 0° 05' W., 318.0 feet to Project Boundary Pin #8 in the south line of sec. 26 in the SE¼SW¼ thereof; thence, continuing with the Project Boundary through sec. 35, T. 22 N., R. 13 W., S. 9° 12' W., 403.9 feet; S. 1° 52' W., 905.6 feet; S. 5° 27' E., 1,313.9 feet; S. 0° 08' W., 859.0 feet; S. 9° 30' W., 472.4 feet to Project Boundary Pin #3, in the south line of the NE¼SW¼ of sec. 35; thence westerly, with the south line of the NE¼SW¼ of said sec. 35, to an intersection with the westerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence southeasterly, with said westerly right-of-way boundary to an intersection with the line between sec. 35, T. 22 N., R. 13 W., and sec. 2, T. 21 N., R. 13 W., thence westerly, with said township line, approximately 30 feet to the easterly or left bank of the Mississippi River, a corner of lot 2 of said sec. 35 and the northwest corner of lot 1 of said sec. 2; thence southeasterly, down the left bank of the Mississippi River, with the west boundary of lots 1 and 2 of sec. 2 to the northwest corner of U. S. Corps of Engineers tract B-1A, in the westerly boundary of lot 2, of sec. 2, T. 21 N., R. 13 W., approximately 490 feet northwesterly of the

southwest corner thereof and approximately 1,025 feet normally distant from the axis of Lock and Dam No. 4; southwesterly, across the Mississippi River, with a line parallel to the axis of Lock and Dam No. 4, on an approximate bearing of S. 67° 11' W., to a point in the east boundary of lot 2 of sec. 17, T. 110 N., R. 9 W., on the right or westerly bank of the Mississippi River approximately 35 feet downstream from the line common to secs. 17 and 18; thence southeasterly with the right bank of the Mississippi River, and with the easterly boundaries of lot 2 of sec. 17 and lot 5 of sec. 20, approximately 1,885 feet to an intersection with the southerly construction limits of the earth dike of Lock and Dam No. 4, being 525 feet normally distant from the line between secs. 17 and 20; thence in T. 110 N., R. 9 W., westerly on an approximate bearing of S. 89° 42' W., approximately 5,290 feet, to a point at the southwesterly corner of said construction limits and in the U. S. Corps of Engineers boundary in lot 1 of sec. 19; N. 4° 15' W., 526.4 feet to a corner in the line common to secs. 18 and 19; N. 4° 17' W., 394.2 feet; N. 25° 32' W., 951.9 feet; N. 28° 12' W., 454.6 feet; N. 40° 53' W., 173.5 feet to a corner in the line common to sec. 18, T. 110 N., R. 9 W. and sec. 13, T. 110 N., R. 10 W.; thence in secs. 13, 12, and 1 of T. 110 N., R. 10 W., N. 42° 47' W., 165.9 feet; N. 53° 07' W., 265.3 feet; N. 46° 32' W., 796.5 feet; N. 32° 35' W., 655.3 feet; N. 18° 14' W., 801.0 feet; N. 13° 10' W., 1,343.4 feet to a corner in the line common to secs. 12 and 13 which is 797.0 feet easterly of the quarter-section corner of secs. 12 and 13; N. 12° 47' W., 1,349.9 feet; N. 24° 06' W., 743.6 feet; N. 41° 11' W., 319.3 feet; N. 22° 38' W., 436.6 feet; N. 12° 57' W., 551.8 feet; N. 23° 19' W., 882.3 feet; N. 26° 11' W., 788.8 feet; N. 36° 18' W., 596.7 feet to a corner in the east boundary of the NW¼NW¼ of said sec. 12; northerly with said westerly boundary approximately 170 feet to the northeast corner thereof; westerly with the north boundary of said NW¼NW¼ approximately 70 feet to a corner which is 1,250 feet easterly of the corner common to secs. 1, 2, 11, and 12; N. 33° 41' W., 641.1 feet; N. 30° 17' W., 980.7 feet; to Project Boundary Pin #19A located in lot 1 of sec. 1, T. 110 N., R. 10 W.; thence northeasterly, on an approximate bearing of N. 5° E., crossing the Mississippi River, approximately 3,900 feet to the northwesterly or upstream tip of Island No. 32; thence continuing northeasterly, on an approximate bearing of N. 5° E., approximately 650 feet to a point in the southerly boundary of lot 3 of sec. 21, T. 22 N., R. 13 W., approximately 800 feet easterly of the southwest corner thereof; thence southeasterly, northeasterly, and northwesterly, with the southerly and easterly boundaries of said lot 3 approximately 2,460 feet to the northeast corner of said lot 3 on the westerly bank of Beef Slough; thence easterly across Beef Slough, approximately 600 feet to the Place of Beginning.

WISCONSIN

BUFFALO COUNTY

Lost Island closed area. All lands and waters lying and being within the following described subdivisions of the public land surveys;

FOURTH PRINCIPAL MERIDIAN

- T. 20 N., R. 12 W.,
 Sec. 7, lots 9 to 12, inclusive;
 Sec. 18, lots 5, 6, 7, 8, 10, 11, 12, and 13, and E½SW¼;
 Sec. 19, lots 2 to 5, inclusive.
 T. 20 N., R. 13 W.,
 Sec. 1, lots 12, 13, and 14;
 Sec. 12, lots 1 to 5, inclusive, W½NE¼, SE¼NE¼, NE¼NW¼, N½SE¼ and SE¼SE¼;
 Sec. 13, lots 1 to 4, inclusive, and NE¼NE¼;
 Sec. 24, lot 1.

MINNESOTA

WABASHA COUNTY

Whitman closed area. All the lands and waters lying and being in Sections 16, 20, 21, 22, 27, 28, 29, 32, 33, and 34, T. 109 N., R. 9 W., fifth principal meridian, Wabasha County, Minnesota, which are enclosed by the following-described boundaries: Beginning at the corner, common to secs. 16, 17, 20, and 21, thence westerly with the line between secs. 17 and 20, to the quarter-section corner of said sections; thence southerly with the north-south center lines of secs. 20 and 29 to a point 660 feet south of the northwest corner of the SW¼NE¼ of sec. 29; thence southeasterly to a point in the north boundary of the SE¼SE¼ of sec. 29 which is 660 feet westerly of the Northeast corner thereof; thence southerly in the SE¼SE¼ of sec. 29 and the NE¼NE¼ of sec. 32 approximately 2,300 feet to an intersection with the 660-foot contour as established by the U. S. Corps of Engineers survey in March 1932 at a point which is 660 feet westerly of the east boundary of the NE¼NE¼ of sec. 32; thence southeasterly with said contour line through secs. 32, 33, and 34, approximately 9,500 feet to an intersection with the southerly or right bank of the Whitewater River in lot 3 of sec. 34; thence southeasterly with the right bank of the Whitewater River to the westerly or right bank of the Mississippi River; thence northerly up the right bank of the Mississippi River with the east boundaries of fractional secs. 34, 27, 22, 21, and part of sec. 16 to an intersection with the north bank of Fishers Gut approximately 300 feet northerly of the line between secs. 16 and 21; thence southwesterly with the north bank of said gut to an intersection with the line between secs. 16 and 21; thence westerly with the line between secs. 16 and 21 approximately 3,300 feet to the Place of Beginning.

WISCONSIN

BUFFALO COUNTY

MINNESOTA

WINONA COUNTY

Winona Pool closed area. All lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service (excluding lands under the sole jurisdiction of the Corps of Engineers), lying and being in fractional secs. 16, 21, and 22, T. 19 N., R. 11 W., fourth principal meridian, Buffalo County, Wisconsin, and fractional secs. 4, 5, 6, 7, 8, and 9, T. 107 N., R. 7 W., fifth principal meridian, Winona County, Minnesota, which are enclosed by the following-described boundaries: Beginning at the point where the west line of lot 5 of sec. 16, T. 19 N., R. 11 W., intersects the westerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence west across Betsy Slough to the east bank of Island No. 63, in the easterly boundary of lot 6, sec. 16; thence northwesterly with the boundary of lot 6 to the upper end of Island No. 63; thence southerly with the west boundaries of lot 6 of sec. 16 and lots 2 and 1 of sec. 21 to an intersection with the easterly extension of the line common to Tps. 107 and 108 N., R. 7 W.; thence westerly, with said extended line, to the meander corner common to sec. 31, T. 108 N., R. 7 W., and sec. 6, T. 107 N., R. 7 W.; thence in T. 107 N., R. 7 W., S. 45° 00' W., approximately 700 feet to the easterly line of a slough which forms the westerly boundary of lot 5, sec. 6; thence southerly with the easterly bank of said slough, with the west boundaries of lots 5, 4, 3, and 2, of sec. 6, to an intersection with the northeasterly or left bank of Straight Slough; thence southeasterly with the northeasterly bank of Straight Slough with the southwest lines of lot 2 of sec. 6, lot 1 of sec. 7, and lots 8, 7, 6, and 5 of sec. 8 to the meander corner between secs. 8 and 9

on the northeasterly bank of Straight Slough; thence northerly with the line between secs. 8 and 9, approximately 400 feet to a corner in the southeasterly construction-limits boundary of Lock and Dam No. 5A; thence with said construction-limits boundary in fractional sec. 9, N. 50° 09' E., 2,413.4 feet to a corner in the line between lots 4 and 5 of sec. 9; easterly with the line between lots 4 and 5 approximately 280 feet to an intersection with the westerly or right bank of the Mississippi River; northeasterly with a line parallel to the axis of the earth dike of Lock and Dam No. 5A and approximately 600 feet normally distant and southeasterly thereof, approximately 1,000 feet to an intersection with the northeasterly bank of Island No. 68; thence northwesterly with the northeasterly bank of Island No. 68 to an intersection with the line common to lots 3 and 2 of said fractional sec. 9; thence northwesterly, approximately 400 feet to the southeasterly or downstream tip of Island No. 65; thence northwesterly with the northeasterly bank of Island No. 65 to an intersection with the line between secs. 4 and 5 of T. 107 N., R. 7 W., extended northerly; thence on an approximate bearing of N. 15° E., 700 feet, more or less, to the point where the line between secs. 22 and 27 of T. 19 N., R. 11 W., Buffalo County, Wisconsin, intersects the westerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence northwesterly with said right-of-way boundary in secs. 22, 21, and 16 to the Place of Beginning.

WISCONSIN

LA CROSSE COUNTY

La Crosse closed area. All lands and waters, now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service (excluding lands under the sole jurisdiction of the Corps of Engineers) and lying and being in secs. 1, 2, 3, 4, 10, 11, 12, 13, and 14, T. 16 N., R. 8 W.; and secs. 15, 21, 22, 23, 25, 26, 27, 28, 29, 33, 34, 35, and 36, T. 17 N., R. 8 W., fourth principal meridian, La Crosse County, Wisconsin, which are enclosed by the following-described boundaries: Beginning at the corner common to Tps. 16 and 17 N., Rs. 7 and 8 W., thence northerly with the line between Tps. 17 N., Rs. 7 and 8 W., to Project Boundary Pin #51 in the Project Boundary as established by the U. S. Corps of Engineers in the line between secs. 25 and 30, 928.0 feet northerly of the corner to secs. 25, 30, 31, and 36; thence northwesterly with said Project Boundary through secs. 25, 26, 23, 22, and 15, T. 17 N., R. 8 W., to Project Boundary Pin #81; in the west boundary of lot 1 of sec. 15, 658 feet southerly of the northwest corner thereof; thence southerly with the west boundary of said lot 1, and with the same extended, approximately 1,600 feet to an intersection with the southerly bank of a creek, approximately in the line common to lots 4 and 5 of sec. 22; thence southwesterly along the southerly bank of said creek to the south boundary of said lot 4; thence westerly with the south boundary of said lot 4 and with the north boundary of lot 5 of sec. 21, to the northwest corner thereof; thence southerly and westerly with the meander line along the west boundaries of lots 4 and 5 and the northerly boundaries of lots 3 and 2 of sec. 21 to the point where the north boundary of said lot 2 intersects the southerly or left bank of Gibbs Chute in sec. 21 T. 17 N., R. 8 W.; thence southwesterly down the east and south or left bank of Gibbs Chute through secs. 21, 28, and 29 to the east or left bank of the Mississippi River; thence southerly down the east or left bank of the Mississippi River with the southwesterly boundaries of fractional secs. 29, 28, and 33 of T. 17 N., R. 8 W., and secs. 4, 3, 10, 11, and 14 of T. 16 N., R. 8 W., to an intersection with the southerly construction-limit boundary of the earth dike of Lock and Dam No. 7; thence easterly across

secs. 14 and 13, with said construction-limit boundary approximately 400 feet normally distant south of the north boundary of said sections, approximately 8,000 feet to Project Boundary Pin #1 at the southeast corner of said construction limits in lot 3 of sec. 13, T. 16 N., R. 8 W.; thence N. 5° 04' W., 400.3 feet to Project Boundary Pin #1A, in the line between secs. 12 and 13; N. 7° 28' W., 185.0 feet to Project Boundary Pin #1B; thence northwesterly across the construction area for Lock and Dam No. 7 approximately 175 feet to Project Boundary Pin #1G, in the Project Boundary as established by the U. S. Corps of Engineers; thence northerly and easterly with said Project Boundary in secs. 12 and 1 of T. 16 N., R. 8 W., to Project Boundary Pin #18 at the north one-sixteenth corner common to sec. 1, T. 16 N., R. 8 W., and sec. 6, T. 16 N., R. 7 W.; thence northerly, with the line common to said sections, approximately 1,320 feet to the Place of Beginning.

WISCONSIN

VERNON COUNTY

Goose Island closed area. All the lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service and lying and being in fractional secs. 3 and 4, T. 14 N., R. 7 W., fourth principal meridian, Vernon County, Wisconsin, which are enclosed by the following boundaries: Beginning at a point where the north boundary of lot 1 of sec. 3 intersects the west right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence westerly with the north boundaries of sec. 3 and 4 to the northwest corner of sec. 4; thence southerly with the westerly boundary of sec. 4 to the southwest corner of sec. 4; thence easterly with the south boundary of sec. 4 to the west boundary of the Chicago, Burlington & Quincy Railroad right-of-way in the south boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 4; thence northerly with the westerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad to the Place of Beginning.

WISCONSIN

VERNON COUNTY

MINNESOTA

HOUSTON COUNTY

Wisconsin Island closed area. All lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service (excluding lands under the sole jurisdiction of the Corps of Engineers) lying and being within portions of secs. 4, 5, 6, 7, 8, 9, 17, 18, and 20, T. 13 N., R. 7 W., fourth principal meridian; secs. 19, 29, 30, 31, and 32, T. 14 N., R. 7 W.; and secs. 24 and 25, T. 14 N., R. 8 W., Vernon County, Wisconsin; and within portions of sec. 36, T. 103 N., R. 4 W., secs. 1, 2, 11, 12, 13, 14, 24, 25, and 36, T. 102 N., R. 4 W., fifth principal meridian; sec. 31, T. 102 N., R. 3 W.; and sec. 6, T. 101 N., R. 3 W., Houston County, Minnesota, which are enclosed by the following-described boundaries: Beginning at the point where the line common to sec. 35, T. 103 N., R. 4 W., and sec. 2, T. 102 N., R. 4 W., intersects the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southerly with said right-of-way boundary through secs. 2, 11, 14, 24, and 25 to the point where said right-of-way boundary intersects the line common to secs. 25 and 36, T. 102 N., R. 4 W.; thence easterly with said section line, crossing Minnesota Slough and continuing with the section line approximately 600 feet to a corner (No. 23) at the intersection of said section line with the southwesterly construction-limit boundary of the earth dike of Lock and Dam No. 8; thence southeasterly with said construction-limit boundary, with a line 400 feet normally

distant southwesterly of the centerline of said dike, through sec. 36, T. 102 N., R. 4 W.; sec. 31, T. 102 N., R. 3 W.; and sec. 6, T. 101 N., R. 3 W., to an intersection with the south boundary of lot 1 of said sec. 6; thence easterly with said south boundary of lot 1 to the west or right bank of the Mississippi River; thence northeasterly across Raft Channel of the Mississippi River approximately 1,000 feet to the downstream point of the island at the intersection of the easterly or left bank of Raft Channel with the westerly or right bank of the present channel of the Mississippi River (Coon Slough), in sec. 20, T. 13 N., R. 7 W., Vernon County, Wisconsin; thence northerly and westerly with said westerly bank and with the easterly boundaries of secs. 20, 17, 8, and 9, including Island No. 123, and in secs. 4 and 5 in T. 13 N., R. 7 W., and in secs. 32, 29, 30, and 19 in T. 14 N., R. 7 W., to the northernmost point of Island No. 120, being the northerly point of lot 5 of sec. 19; thence northwesterly across Raft Channel approximately 600 feet to the northeasterly point of a small island; thence southwesterly, with the westerly bank of said island, approximately 1450 feet to an intersection with the line between T. 102 N., R. 4 W., and T. 103 N., R. 4 W., Houston County, Minnesota, extended easterly; thence westerly with said line extended and with said township line to the Place of Beginning.

WISCONSIN

CRAWFORD COUNTY

IOWA

ALLAMAKEE COUNTY

Harpers Slough closed area. All the lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service (excluding lands under the sole jurisdiction of the Corps of Engineers) lying and being within portions of secs. 10, 14, and 15, T. 9 N., R. 6 W., fourth principal meridian, Crawford County, Wisconsin; secs. 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, and 18, T. 97 N., R. 2 W., fifth principal meridian, and secs. 21, 28, 29, 32, 33, and 34, T. 98 N., R. 2 W., Allamakee County, Iowa, which are enclosed by the following-described boundaries: Beginning at the intersection of the line between secs. 20 and 29, T. 98 N., R. 2 W.; with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southwesterly with said right-of-way boundary through secs. 29 and 32, T. 98 N., R. 2 W., and sec. 5, T. 97 N., R. 2 W., to the point where it intersects the west boundary of said sec. 5; thence southerly between secs. 5 and 6, approximately 50 feet to the 620' contour, being the flow line elevation of Navigation Pool No. 9; thence southwesterly with said 620' contour to the point where it intersects the southerly boundary of lot 3, sec. 7, T. 97 N., R. 2 W.; thence westerly with the south boundary of lot 3 approximately 40 feet to an intersection with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southwesterly with said right-of-way boundary to the southwesterly construction-limit boundary of the earth dike of Lock and Dam No. 9 at corner No. 6 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 7, T. 97 N., R. 2 W.; thence 5 lines with the southwesterly construction limits of the earth dike for Lock and Dam No. 9, across secs. 7, 18, and 17, T. 97 N., R. 2 W., S. 22° 05' E., 2,761.8 feet to corner 3, in the south boundary of lot 6 of sec. 7; easterly with the south boundary of said lot 6, approximately 300 feet to the southeast corner thereof; southeasterly with a line parallel to the centerline of the earth dike approximately 625 feet to the westerly boundary of lot 1 of sec. 18; southwesterly, with the westerly boundary of said lot 1, approximately 220 feet to an intersection with a line 400 feet normally distant southwesterly from the centerline of said dike;

thence southeasterly with a line 400 feet normally distant southwesterly and parallel with said dike to the right or westerly bank of the Mississippi River, in the east boundary of said sec. 17; thence northeasterly with said bank with the easterly boundaries of secs. 17, 16, 9, 10, and 3, T. 97 N., R. 2 W.; to an intersection with the line common to sec. 3, T. 97 N., R. 2 W., and sec. 34, T. 98 N., R. 2 W.; thence northeasterly approximately 700 feet to the downstream point of a small island; thence northwesterly with the easterly bank of said island to the upstream point thereof; thence northwesterly, across the mouth of Crooked Slough, approximately 1,100 feet to the downstream point of Island No. 151, on the right bank of the mouth of Crooked Slough Cut Off in sec. 14 of T. 9 N., R. 6 W.; thence northwesterly with the right or southwesterly bank of Crooked Slough Cut Off through secs. 14, 15, and 10, T. 9 N., R. 6 W., to the left or easterly bank of Crooked Slough near the northwest corner of lot 7 in said sec. 10; thence northwesterly across Crooked Slough, the old channel of the Mississippi River with the line of the right bank of Crooked Slough Cut Off extended, to the east boundary of lot 8, sec. 28, T. 98 N., R. 2 W.; thence northwesterly with the westerly bank of Crooked Slough, with the east boundaries of lots 8, 7, and 6 of sec. 28, and lots 2 and 1 of sec. 21, T. 98 N., R. 2 W., to the northernmost tip of said lot 1, sec. 21; thence southerly with the westerly boundaries of lots 1 and 2 of sec. 21, to the south boundary of said sec. 21, T. 98 N., R. 2 W.; thence westerly across Harpers Slough, to the Place of Beginning.

IOWA

CLAYTON COUNTY

12-Mile Island closed area. All the lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service and lying and being in secs. 4, 8, 9, 15, 16, 21, 22, 27, and 28, T. 92 N., R. 2 W., fifth principal meridian, Clayton County, Iowa, which are enclosed by the following-described boundaries: Beginning at a point on the east bank of the Mississippi River in the NW $\frac{1}{4}$ of sec. 16, where the axis of Lock and Dam No. 10 intersects the easterly or left bank of the Mississippi River; thence southerly with the easterly bank of the Mississippi River where it forms the westerly boundary of fractional secs. 16, 21, and 28 to the south boundary of sec. 28; thence easterly with the south boundaries of secs. 28 and 27 to the westerly or right bank of State Line Slough; thence northerly with the westerly bank of State Line Slough where it forms the easterly boundaries of fractional secs. 27, 22, 15, 16, 9, and 4, to the northernmost point of Island No. 189 in sec. 4; thence southerly with the easterly or left bank of Ferry Slough, being the westerly bank of Island No. 189, to the easterly or left bank of the head of Swift Slough; thence southwesterly, across the head of Swift Slough, approximately 500 feet to the northernmost point of an island, in the easterly or left bank of the present channel of the Mississippi River and in the westerly boundary of fractional sec. 9; thence southerly with said easterly bank, with the westerly boundaries of fractional secs. 9, 8, and 16, to the Place of Beginning.

WISCONSIN

GRANT COUNTY

Dago Slough closed area. All lands and waters lying and being in secs. 26, 27, 34, 35, and 36, T. 3 N., R. 5 W.; secs. 31, 32, and 33, T. 3 N., R. 4 W.; and secs. 4, 5, and 6, T. 2 N., R. 4 W., fourth principal meridian, Grant County, Wisconsin, which are enclosed by the following-described boundaries: Beginning at a point where the west boundary of sec. 26, T. 3 N., R. 5 W., intersects the south-

erly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence southerly with the west boundary of sec. 26 to the northeast corner of Corps of Engineers tract FW-232, at or near the southwest corner of sec. 26; thence westerly with the northerly boundaries of Corps of Engineers tracts FW-232 and FW-234, across the $S\frac{1}{2}SE\frac{1}{4}$ of sec. 27 and the $NE\frac{1}{4}NE\frac{1}{4}$ of sec. 34, T. 3 N., R. 5 W., to the northwest corner of tract FW-234 in the north-south centerline of sec. 27; thence southerly with the north-south centerlines of said secs. 27 and 34 to an intersection with the north or left bank of Jack Oak Slough; thence southeasterly down said north bank of Jack Oak Slough and the north bank of the Mississippi River in sec. 34 and with the southerly boundaries of fractional secs. 35 and 36, T. 3 N., R. 5 W., to an intersection with the line common to sec. 36, T. 3 N., R. 5 W., and sec. 1, T. 2 N., R. 5 W.; thence easterly with said township line to the corner common to Tps. 2 and 3 N., Rs. 4 and 5 W.; thence southerly between secs. 1 and 6, Tps. 2 N., Rs. 4 and 5 W. to an intersection with the north or left bank of the Mississippi River; thence easterly with said bank where it forms the boundaries of fractional secs. 6, 5, and part of sec. 4, T. 2 N., R. 4 W., to an intersection with the west one-sixteenth line of sec. 4, T. 2 N., R. 4 W.; thence northerly with the west one-sixteenth lines of sec. 4 and of sec. 33, T. 3 N., R. 4 W. to the point where said line intersects the southerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence northwesterly with said right-of-way boundary through secs. 33, 32, and 31, T. 3 N., R. 4 W., and secs. 36, 35, and 26, T. 3 N., R. 5 W., to the Place of Beginning.

IOWA

JACKSON COUNTY

Pleasant Creek closed area. All lands and waters owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service and lying and being in secs. 1, 2, 3, 4, 10, 11, and 12, T. 85 N., R. 5 E.; sec. 7, T. 85 N., R. 6 E.; and secs. 33 and 34, T. 86 N., R. 5 E., fifth principal meridian, Jackson County, Iowa, which are enclosed by the following boundaries: Beginning at the intersection of the line between secs. 3 and 10, T. 85 N., R. 5 E. with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad near the northwest corner of sec. 10; thence southeasterly with said right-of-way boundary to an intersection with the south boundary of the $NE\frac{1}{4}NW\frac{1}{4}$ of said sec. 10; thence easterly with the south line of said $NE\frac{1}{4}NW\frac{1}{4}$ to the southeast corner thereof; thence southerly with the west boundary of the $SW\frac{1}{4}NE\frac{1}{4}$ of said sec. 10, to an intersection with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southeasterly with said right-of-way boundary to an intersection with the line between secs. 10 and 11, T. 85 N., R. 5 E.; thence northerly between said sections to the south one-sixteenth corner of secs. 10 and 11; thence easterly with the south one-sixteenth line of said sec. 11 to the northwest corner of the $SE\frac{1}{4}SE\frac{1}{4}$ of sec. 11, which is a corner of Corps of Engineers tract No. FIA-279; thence southeasterly with the southwest boundary of tract FIA-279 to the line between secs. 11 and 12; thence southerly with said section line to the corner common to secs. 11, 12, 13, 14, T. 85 N., R. 5 E.; thence easterly with the line between secs. 12 and 13 to the westerly corner of Corps of Engineers tract FIA-270; thence

southeasterly with the southwest boundary of tract FIA-270 to an intersection with the northwesterly bank of the Maquoketa River diversion channel; thence northeasterly with the west bank of the Maquoketa River diversion channel to an intersection with the west or right bank of the Mississippi River; thence northwesterly with the right bank of the Mississippi River, where it forms the northeasterly boundaries of part of fractional sec. 7, T. 85 N., R. 6 E. and of fractional sec. 12, Island 255, and fractional secs. 1 and 2, T. 85 N., R. 5 E., to an intersection with the southerly bank of a slough located about 380 feet westerly of the east one-sixteenth line of sec. 2; thence southeasterly, with the southerly bank of said slough, approximately 600 feet to an intersection with the east one-sixteenth line of sec. 2; thence southerly with said east one-sixteenth line, to an intersection with a line which is 300 feet normally distant southwesterly of the southerly bank of said slough; thence northwesterly, with a line which is 300 feet normally distant southwesterly and parallel with the southerly bank of said slough and 300 feet normally distant southwesterly and parallel with the southerly or right bank of the Mississippi River, to a point opposite the mouth of another slough located approximately 500 feet westerly of the line common to secs. 2 and 3, T. 85 N., R. 5 E.; thence southwesterly, with a line 300 feet normally distant southeasterly from and parallel to the southerly bank of said slough, approximately 2,000 feet to an intersection with the center of a road located approximately 400 feet easterly of the north-south centerline of said sec. 3; thence northerly, with the centerline of said road and with said line extended, to the northerly bank of said slough; thence north-easterly, with the northerly bank of said slough to an intersection with the southwesterly or right bank of the Mississippi River; thence northwesterly, with the southwesterly bank of the Mississippi River, where it forms the northeasterly boundary of Island 250 and Corps of Engineers tract IAs-50, being the northeasterly boundaries of fractional sec. 3, T. 85 N., R. 5 E., and fractional secs. 34 and 33, T. 86 N., R. 5 E., to the northwesterly point of Island 250, on the easterly bank of the mouth of Pleasant Creek in the southwest corner of the $SW\frac{1}{4}NE\frac{1}{4}$ of sec. 33, T. 86 N., R. 5 E.; thence southerly with the easterly bank of Pleasant Creek to an intersection with the east-west centerline of said sec. 33; thence westerly with said centerline to an intersection with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southerly with said right-of-way boundary to the point where the Corps of Engineers project boundary leaves the right-of-way in the $NW\frac{1}{4}SE\frac{1}{4}$ of sec. 4, T. 85 N., R. 5 E. approximately 80 feet southeasterly of the Pleasant Creek bridge; thence northeasterly and southeasterly, with said project boundary across the $E\frac{1}{2}$ sec. 4 and the $W\frac{1}{2}SW\frac{1}{4}$ of sec. 3, T. 85 N., R. 5 E. to the point where said project boundary intersects the line common to secs. 3 and 10, T. 85 N., R. 5 E.; thence westerly with said section line to the Place of Beginning.

IOWA

CLINTON COUNTY

Elk River closed area. All the lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service and lying and being in secs. 4, 5, 9, 16, 20, 21, and 29, T. 83 N., R. 7 E., fifth principal meridian,

Clinton County, Iowa, which are enclosed by the following-described boundaries: Beginning at the point where the north line of the $SE\frac{1}{4}$ of sec. 5 intersects the 583.0-foot contour; thence southerly, with said 583.0-foot contour to the point where it intersects the south boundary of sec. 5; thence easterly between secs. 5 and 8 to the corner common to secs. 4, 5, 8, and 9; thence southerly between secs. 8 and 9 to an intersection with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southerly, with said right-of-way boundary through secs. 9 and 16, to the point where it intersects the line between secs. 16 and 17; thence southerly between secs. 16 and 17 to the corner common to secs. 16, 17, 20, and 21; thence westerly between secs. 17 and 20 to the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southwesterly, with said right-of-way boundary through sec. 20 to an intersection with the northeast bank of Elk River; thence southeasterly with the northeast bank of Elk River to an intersection with the westerly bank of Elk River Slough; thence northeasterly with the westerly bank of Elk River Slough in secs. 29, 20, and 21 to an intersection with the westerly or right bank of the main channel of the Mississippi River; thence northerly with the westerly bank of the Mississippi River in secs. 21, 16, 9, and 4 to the southwesterly bank of the mouth of Dark Slough; thence northwesterly with the southwesterly bank of Dark Slough in secs. 4 and 5, to the point where it intersects the north boundary of the $SE\frac{1}{4}$ of sec. 5, T. 83 N., R. 7 E.; thence westerly with the north boundary of the $SE\frac{1}{4}$ of sec. 5 to the Place of Beginning.

ILLINOIS

CARROLL COUNTY

Spring Lake closed area. All the lands and waters lying and being in secs. 14, 15, 22, 23, 25, 26, 27, 34, 35, and 36, T. 24 N., R. 3 E., fourth principal meridian, Carroll County, Illinois, which are enclosed by the following-described boundaries: Beginning at the point where the north toe of the levee of the Carroll County Drainage and Levee District No. 1 intersects the westerly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad in the $NW\frac{1}{4}NE\frac{1}{4}$ of sec. 15; thence westerly with the north toe of said levee in sec. 15 to a point near the center of the $NW\frac{1}{4}NW\frac{1}{4}$ thereof; thence southerly and easterly, with the westerly and southerly toes of said levee through secs. 15, 22, 27, 34, and 35, to the point where it meets the shoreline of normal water level in the $SW\frac{1}{4}SE\frac{1}{4}$ of sec. 35; thence northerly, with the waters edge at the normal waterline through secs. 35, 36, 26, 25, 23, and 14, excluding the peninsula of agricultural land retained by the Corps of Engineers in sec. 23 to an intersection with the westerly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad in the $SE\frac{1}{4}SW\frac{1}{4}$ of sec. 14; thence northwesterly with said right-of-way boundary in secs. 14 and 15 to the Point of Beginning.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 7151)

Issued at Washington, D. C., and dated March 25, 1957.

D. H. JANZEN,
Director,
Bureau of Sport
Fisheries and Wildlife.

[F. R. Doc. 57-2424; Filed, Mar. 29, 1957;
8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

[Docket No. AO-257-A3]

HANDLING OF MILK IN SHREVEPORT, LA.,
MARKETING AREANOTICE OF RECOMMENDED DECISION AND OP-
PORTUNITY TO FILE WRITTEN EXCEPTIONS
THERETO WITH RESPECT TO PROPOSED
AMENDMENTS TO TENTATIVE MARKETING
AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Shreveport, Louisiana, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the third day after the filing, by the Deputy Administrator of this recommended decision. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreement and the proposed order amending the order, as amended, were formulated, was held at Shreveport, Louisiana, on February 4-5, 1957, pursuant to notice thereof issued January 24, 1957 (22 F. R. 568). The material issues of record related to:

1. Distributing plant definition—Item 1.
2. Supply plant definition—Item 2.
3. A new definition providing for "associated producer"—Items 3-6, Items 8-12.
4. Class I price—Item 7.
5. Class II price—Item 7.
6. A new provision establishing a "shrink milk price"—Item 7.
7. Computation of daily average base for each producer—Item 13.
8. A new provision for the use of equivalent prices—Item 14.

Findings and conclusions. The following findings and conclusions on Issue No. 3 are based upon evidence received at the hearing and the record thereof. Expedited action is recommended in order to effectuate, at the earliest date, the recommendations contained herein.

Proposals concerning the remaining issues also need to be studied and analyzed in order that the Department may recommend action thereon at a later date.

Therefore, the entire record of this hearing is reserved and shall remain open for future study and analysis in order to take action described above.

3. The order should be amended to provide for the sharing of returns for milk among producers and associated producers. The Northwest Louisiana Pure Milk Producers' Association proposed that the proceeds from each handler's sales of milk should be apportioned equitably among all dairy farmers who supplied milk to Shreveport handlers during the preceding months of September through December. The Association represents a large portion of the dairy farmers who supply milk to handlers regulated by Order No. 66.

One handler testified in opposition to the effect that the proposal, if adopted, could interfere with his quality control program.

The months of September through December are the usual months of lowest production relative to Class I sales in the Shreveport market. Under the proposal, dairy farmers who supplied milk to a handler during the specified period, but whose milk was rejected by such handler during part or all of some later month, would qualify as an "associated producer" for the rejected milk.

Ordinarily, such milk is disposed of by the Association to manufacturing plants at prices nearly equal to the Class II price, less hauling. The producers' association proposed that rejected milk be included in the handler's pool when the market administrator computes the handler's uniform price. The handler would then be required to pay to the market administrator an amount equal to the difference between his adjusted uniform price(s) and the Class II price on the volume of milk designated as "associated producer milk". The market administrator would deposit such payments into a separate fund, and distribute it among associated producers.

The effect of this proposal would be that the handlers' total obligation for milk at class prices would remain unchanged. However, the uniform price payable to those producers whose milk was received at the handler's plant would be reduced.

The reduction in value would be paid to associated producers. If associated producers obtained the order Class II price for rejected milk, the additional payment received from the market administrator would yield a return equal to the handler's uniform price.

During the spring and summer of 1955, about forty producers, all of whom were members of a cooperative association, were cut off the market. After the rejection of such milk, total producer deliveries were about 102 percent of Class I sales at individual plants. The cooperative association was required to remove from the market all milk in excess of that percentage.

During the same period in 1956, while no cooperative members were actually "cut off" the market, the Association had

an agreement with handlers whereby it would, after prior notice, market its members' milk off the market. An Association witness testified that handlers do not always give sufficient prior notice to locate best available outlets for excess milk. Because the amount of excess production is small and variable, the Association has not been able to negotiate long-range contracts to dispose of such milk. Consequently, most excess milk must be disposed of on a "spot" shipment basis. At the same time, other source milk for Class II utilization has been brought on the market. Whenever the Association has had to move milk off the Shreveport market, the blend price that the Association pays its members is lower than the uniform prices paid by handlers to nonmembers. Prior to the order, all producers received the same blend prices.

The cooperative association, which represents a large portion of the producers supplying milk to the market, is adversely affected by these practices. Under the order, handlers generally have refused to accept responsibility for pooling any milk not actually used in their own plant. As a result, the cooperative association has become responsible for nearly all the milk disposed of for manufacturing outside the market, since it is obligated to market its members' milk. At the same time, nonmembers, whose milk is accepted by handlers, receive a higher blend price.

These practices are disruptive to orderly marketing of milk. The rejection of milk sometimes has been arbitrary.

The Class I price provisions of the order were established on the basis that producers could rely on a steady market for their fluid milk. This would enable them to amortize the costs incurred in producing Grade A milk for the market. The Class I price would have to be quite high in a few months of the year in order to justify the investment producers made for Grade A production, if marketing practices permit them to share in the Class I utilization of the market for only a short time each year.

It is concluded that the order should be amended to provide for the equalization of Class I sales among regular producers and associated producers supplying each handler regulated by the order.

Only handlers are permitted to divert milk. This may be done during the months April through June. However, the diverting privilege for handlers should apply in all months of the year. This will enable the associated producer provisions to operate fully. It is recognized that if handlers avail themselves of the diverting privilege, there would be no need to utilize the less direct reporting and payment procedures of the associated producer provisions. No proposal was submitted to amend the handler definition to include a cooperative association with respect to diverted milk. Likewise, the producer definition should not be amended to provide for this.

The months September through December are the months of lowest pro-

duction, relative to Class I sales. During these months, producer receipts have not been sufficient to supply Class I outlets completely. Producer deliveries to handlers during a major portion of these months would be appropriate for determining which producers regularly supply a particular handler.

Producer milk during these months, if later rejected by the handler and sold to a nonfluid milk plant that manufactured Class II products, would qualify as "associated producer milk", and the dairy farmer delivering the milk would qualify as an "associated producer". Milk could be rejected without much prior notice; consequently, such rejected milk should qualify as associated producer milk for the month during which it is first rejected. Thereafter, the shipper should mail to the market administrator an offer to deliver milk to the handler to whom he regularly delivered milk during the qualifying period. The market administrator should send each handler a list of the dairy farmers who submitted offers to deliver milk. The list should be sent to the handler not later than the 5th day of the month for which it applies.

The requirement that the rejected milk be sold to a nonfluid milk plant manufacturing Class II products serves two purposes. It removes the incentive for a producer to deny milk to a handler and to sell it elsewhere for Class I utilization. It also facilitates the movement of milk among regulated handlers, thereby assuring that milk will not unnecessarily be designated as associated producer milk.

The associated producer would have to maintain health department approval. Milk rejected by any duly constituted health authority for sanitary reasons would not qualify as associated producer milk.

The producers' proposal designated the marketing area health authority as the agency responsible for health department approval. The order does not now limit health department Grade A approval to the agency having jurisdiction for the marketing area, and the record contains no evidence supporting a change of this kind. The reference to health department, therefore, should not be changed.

The volume of rejected milk qualifying as associated producer milk should be determined after the end of the month. The first step in this process is that the associated producer notify the market administrator by the 5th day of the month the quantity of milk sold to a nonfluid milk plant during the preceding month, which during such month manufactured Class II products. By the 12th of the month, he should furnish the market administrator with his daily weight slips, pay statements, or other evidence of the quantity sold and the average butterfat test. These quantities will be used by the market administrator, along with the handler's report of receipts and utilization, to compute the handler's uniform price. On or before the 10th day after the end of the month the market administrator should send each handler a notice specifying the amount payable to the market administrator for associated producer milk.

The associated producer milk is included in the handler's blend price computation at the Class II price, since this is the order value attributable to it according to its actual use. The producer location adjustments and producer butterfat differential would be applied to the associated producer milk in exactly the same fashion as if it had been accounted for as producer milk by the handler. The handler's obligation on the associated producer milk would be the difference between its value at the handler's adjusted uniform price(s) and its value at the Class II price. It will be noted that since the associated producer milk is included in the handler's utilization value at the Class II price, and subtracted out of his payments to associated producers at the same Class II price, the handler's total obligation for milk is not changed; only the distribution of the total amount among producers and associated producers is altered.

The handler should be obligated to remit the value of the associated producer milk to the market administrator by the 12th day of the month. These funds will be deposited by the market administrator in a separate account and paid to producers on or before the 15th day of the month. By such date the market administrator will have received from producers actual payment statements or other acceptable evidence of the quantity and butterfat test, and the price received for the milk sold by the producer to a plant which, during the month, manufactured Class II products.

The market administrator will incur as much, if not more, expense in accounting for the associated producer milk as he will in connection with the producer milk. The same rate of assessment should, therefore, be charged on the associated producer milk and it should be paid by the handler to whom the milk is assigned.

It was proposed in the hearing notice that the marketing service charge be levied by the market administrator on this milk to provide for check-testing, information, and similar services, and that the corresponding authorized deductions be allowed on associated producer milk produced by members of cooperative associations. Proponents did not support the proposal at the hearing. Since the milk is actually sold to manufacturing plants not connected with the market, the market administrator has no authorization to enter such plants to perform the specified services. It is concluded, therefore, that the marketing service charge should not be deducted from the payments made for associated producer milk.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feed and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed market-

ing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held.

(d) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) all receipts of milk from producers within the month, including milk of such handler's own production, (b) associated producer milk, (c) any other source milk allocated to Class I, and (d) Class I milk distributed on routes in the marketing area from nonfluid milk plants.

Rulings. Briefs were filed on behalf of interested parties. The proposed findings and conclusions and the arguments contained in these briefs were considered in making the findings and reaching the conclusions in this decision. To the extent that any proposed findings and conclusions in the briefs are at variance with the findings and conclusions of this decision, such proposed findings and conclusions are denied for the reasons set forth in support of the findings and conclusions of this decision on the issue to which the proposed findings and conclusions related.

Recommended marketing agreement and order, as amended. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as proposed to be further amended:

1. Add new §§ 966.13a and 966.13b as follows:

§ 966.13a *Associated producer.* "Associated producer" means a person who, with respect to any milk not accepted at a fluid milk plant or diverted from it by a handler in any month, meets all of the following qualifications:

(a) Produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for fluid consumption;

(b) Delivered milk for not less than 60 days during the preceding months of September through December, which milk was received at or diverted from a fluid milk plant; and

(c) Certifies in writing to the market administrator, on or before the first day of any month following the first month in which any of his milk is not accepted

at or diverted from a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant, and does so perform in response to appropriate request from the handler through the market administrator.

§ 966.13b *Associated producer milk*. "Associated producer milk" means all skim milk and butterfat sold during the month by associated producers to a non-fluid milk plant(s) which, during such month, utilized skim milk and butterfat in products designated pursuant to § 966.41 (b) (1): *Provided*, That the sale of such milk by associated producers is reported to and verified by the market administrator pursuant to § 966.32 (c).

2. Amend §§ 966.19 and 966.20 to read as follows:

§ 966.19 *Base milk*. "Base milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is not in excess of bases computed pursuant to § 966.80.

§ 966.20 *Excess milk*. "Excess milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is in excess of the base milk received during the month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 966.80.

3. Delete § 966.27 (k) and insert the following:

(k) Mail to each handler at his last known address a statement showing for such handler:

(1) On or before the 5th day of the month the names and addresses of associated producers assigned to such handler;

(2) On or before the 12th day after the end of the month (i) the amount and value of producer milk in each class and the total thereof; (ii) for the months of the base-operating period, the amounts and value of his base and excess milk, respectively; and

(3) On or before the 10th day of the month the quantity and butterfat test of associated producer milk assigned to such handler and the amount in payment thereof to be remitted to the market administrator for payment to associated producers pursuant to § 966.90 (f); *Provided*, That during the base-operating period such notification shall include the quantity and butterfat test of associated producer milk designated as base and excess milk and the amount thereon to be remitted.

4. Add a new § 966.32 (c) as follows:

(c) Each associated producer shall submit to the market administrator (1) on or before the 3d day of the month, a statement of the quantity and butterfat test of his milk sold during the preceding month to a nonfluid milk plant which during such month utilized skim milk and butterfat in products designated pursuant to § 966.41 (b) (1), and (2) on or before the 12th day of the month, pay-

ment statements, weight slips, or other acceptable evidence to verify the quantity and butterfat test of milk sold pursuant to subparagraph (1) of this paragraph.

5. In § 966.71, amend paragraph (a) and add a new paragraph designated (a-1), as follows:

(a) Add to the amount computed pursuant to § 966.70 an amount equal to the volume of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) multiplied by the Class II price;

(a-1) Add or subtract for each one-tenth of one percent that the average butterfat content of producer milk received by such handler and associated producer milk assigned to such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 966.91 and multiplying the result by the total hundredweight of producer milk and associated producer milk.

6. Delete the first sentence in § 966.72 and substitute the following: "For each month which is not in the base-operating period, the market administrator shall compute the uniform price for producer milk received by each handler by dividing the aggregate value computed pursuant to § 966.71 by the total hundredweight of producer milk received by, and associated producer milk assigned to, such handler."

7. Add a new § 966.90 (f) as follows:

(f) On or before the 12th day after the end of the month, each handler having associated producer milk shall remit to the market administrator for payment to associated producers an amount computed by multiplying the quantity of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) by the difference between such handler's uniform price(s) as determined pursuant to §§ 966.72 or 966.73, as applicable, and the Class II price determined pursuant to § 966.51 (b). Such amounts shall be maintained by the market administrator in a separate fund out of which he shall, on or before the 15th day after the end of the month, make appropriate payment to each associated producer, such payments to be verified pursuant to § 966.32 (c) (2).

8. In § 966.92 after the word "producers" insert "and associated producers", and after the word "received" add a comma and insert "or assigned as associated producer milk".

9. At the end of § 966.94 (b) delete the word "and"; at the end of § 966.94 (c) change the period to a comma and add the following: "and (d) associated producer milk."

10. In § 966.12 (b) delete "months of April through June" and insert "month".

Filed at Washington, D. C., this 28th day of March 1957.

[SEAL]

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-2537; Filed, Mar. 29, 1957; 9:39 a. m.]

[7 CFR Part 993]

[Docket No. AO-201-A3]

DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Old Mint Building, Room 226-A, Fifth Street at Mission Street, San Francisco, California, beginning at 9:30 a. m., P. s. t., April 8, 1957, with respect to proposed amendments to the marketing agreement and order, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. These proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence with respect to the proposed amendments which are hereinafter set forth, or appropriate modifications thereof.

The following amendments are proposed by the Prune Administrative Committee, the agency administering this program:

1. Amend § 993.10 *Handle* by deleting the same and inserting, in lieu thereof, the following:

§ 993.10 *Handle*. "Handle" means to receive, process, package, repackage, sell, consign, transport, or ship or in any other way to place prunes in the current of commerce (except as a carrier of prunes owned by another person), whatever may be the ultimate destination or end use of the prunes: *Provided*, That this term shall not include: (a) The selling or delivering of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the State of California; (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (c) the buying, receiving, selling, or otherwise dealing by a person with prunes which have already been handled within the meaning of this definition by another person, but this exclusion shall be of no effect for the purpose of applying the applicable restrictions of § 993.49 or § 993.50 to the subsequent handling of prunes in the event a handler's prunes are excepted from restrictions in the manner specified in § 993.49 (e) (1) or § 993.50 (c), nor shall this exclusion be of effect in the event that prunes are repackaged within the continental United States into consumer packages insofar as concerns the requirement as to minimum size per pound prescribed in §§ 993.49 (b) (2) and 993.50 (c) and insofar as concerns pack specifications as to size as are prescribed pursuant to § 993.49 (b) (3) or (c), whichever may then be applicable.

2. Renumber present § 993.20 *Part and subpart* as § 993.21 and insert, immediately prior thereto, a new § 993.20 reading as follows:

§ 993.20 *Consumer package.* "Consumer package" means any container holding less than 10 pounds of prunes.

3. Amend paragraph (b) of § 993.49 *Regulation of the handling of prunes subsequent to their receipt by handlers* by deleting the same and inserting, in lieu thereof, the following:

(b) *Regulation—(1) Grade.* Continuing until such grade regulation is superseded by other grade regulations prescribed by the Secretary, except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for standard prunes or standard processed prunes.

(2) *Size.* No handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes in a consumer package unless the average count of the prunes contained therein is 100 or less per pound. No person shall repackage prunes into consumer packages within the continental United States unless the average count of the prunes packed in each such consumer package is 100 or less per pound.

(3) *Establishment of pack specifications as to size.* The Secretary shall, upon the recommendation of the committee and/or other available information, prescribe pack specifications for the packing of prunes in consumer packages according to such commercially recognized size categories as may be deemed to be reasonably appropriate, and also such tolerances for use in connection with such size categories as may be deemed to be reasonable and appropriate. Continuing until such pack specifications are superseded by other pack specifications prescribed by the Secretary, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes in consumer packages unless such prunes are packed in accordance with such specifications as to size. No person shall repackage prunes into consumer packages within the continental United States unless such prunes are packed in accordance with such specifications as to size.

4. Amend paragraph (c) *Superseding regulation* of said § 993.49 to read as follows:

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the minimum standards as to grade and/or the pack specifications as to size, as provided for respectively in subparagraphs (1) and (3) of paragraph (b) of this section, should be superseded by other minimum standards as to grade and/or pack specifications as to size, it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, and such other information as the Secretary may request. The Secretary, upon the basis of the recommendation and information submitted by the committee and/or other available information, shall issue such superseding regulation if he finds that to do so would

tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grade, shall not be below the applicable minimum standards for grades of standard prunes or standard processed prunes, as set forth in § 993.97 (Exhibit A). Any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any such pack specifications as to size shall provide reasonable and appropriate tolerances for each of the respective size categories. Any superseding regulation issued by the Secretary may subsequently be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant, and the committee, in submitting any recommendation therefor to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made: *Provided*, That, at all times, the regulation as to grade shall be comparable, so far as practicable, to the then current regulation in effect with respect to the receiving of natural condition prunes by handlers from producers or dehydrators. So long as any superseding regulation is in effect, each handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes in conformity therewith. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. In addition, the committee shall give written notice by registered mail of each superseding regulation issued by the Secretary to all handlers of whom the committee has a record.

5. Amend paragraph (d) *Inspection* of said § 993.49 to read as follows:

(d) *Inspection.* (1) Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, unless they are specifically excepted in this section, cause an inspection to be made of such prunes to determine whether they meet the minimum size requirement and the then applicable grade standards and pack specifications as to size for standard prunes or standard processed prunes. Each such handler shall not ship or otherwise make final disposition of such prunes for any use (unless they are specifically excepted in this section), if they do not meet such minimum standards or pack specifications. Such handler shall obtain a certificate that such prunes meet the aforementioned minimum grade standards, minimum size requirement, and pack specifications and, in the case of consumer packages, that they are properly labelled as to pack specification, and such handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall

be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory. Except as modified in the next succeeding sentence, each consumer package in every shipment or other final disposition of natural condition prunes or processed prunes shall be identified by an appropriate label, seal, stamp, or tag, affixed to such container by the handler under the supervision of the committee or an inspector of the Dried Fruit Association of California, showing the particular pack specification as to the size of the prunes in such package.

(2) Any person who repackages prunes into consumer packages within the continental United States shall, with respect to the minimum size requirement, comply with the inspection and certification requirements of this paragraph, and, with respect to pack specifications as to size, comply with the inspection, certification, and labelling requirements of this paragraph. *Provided*, That, if such repackaging occurs within the continental United States outside of California, he shall have such repackaged prunes inspected and certified by the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture.

6. Amend paragraph (a) of § 993.50 by deleting the same and, in lieu thereof, inserting the following:

(a) *Determination.* If, prior to or at any time during a crop year, the Secretary should find that the estimated season average price for prunes for that crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such finding is set forth, and, in such order, he may provide that, for such crop year or remaining portion thereof, as the case may be, the handling of prunes shall be in accordance with the provisions set forth in this section.

7. Amend paragraph (c) of § 993.50 *Regulation of the handling of prunes during any crop year when the estimated season average price is in excess of parity* to read as follows:

(c) *Disposition of prunes by handlers.* In lieu of the requirements set forth in § 993.49, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards as to grade set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be: *Provided*, That the average count of the prunes in any consumer package shall not exceed 100 per pound. No person shall repackage prunes into consumer packages within the continental United States unless the average count of prunes in each such package is 100 or less per pound. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed

prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than those referred to in the first and third sentences of this paragraph. Such disposition without regard to quality of prunes shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the Dried Fruit Association of California to determine whether they meet all applicable grade standards and the minimum size requirement, as set forth in this paragraph, and he shall obtain from that inspection agency a certificate that such prunes meet the aforementioned applicable requirements and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Any person who repackages prunes into consumer packages within the continental United States shall, with respect to the minimum size requirement prescribed in this paragraph for prunes in consumer packages, comply with the inspection and certification requirements of this paragraph: *Provided*, That, if such repackaging occurs within the continental United States outside of California, he shall have such repackaged prunes inspected and certified by the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture. Notwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each inter-handler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or making final disposition of such prunes, comply with the requirements of this paragraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for the particular purpose meet the grade

and minimum size requirements prescribed in this paragraph.

8. Delete paragraph (d) of § 993.50 and reletter paragraphs (e) and (f) of said section as (d) and (e), respectively.

9. Add a new section, § 993.64, immediately after § 993.63, reading as follows:

§ 993.64 *Disposition of unsold surplus tonnage in case of a determination during a crop year that the estimated season average price for prunes for that crop year will exceed parity.* In the event the Secretary should find, during a crop year when surplus tonnage withholding requirements have been in effect pursuant to this part, that the estimated season average price for prunes for that crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order providing for the disposition of the unsold surplus tonnage (standard and substandard) then on hand in such outlets, at such times, and in accordance with such terms and conditions as he may determine to be appropriate in the circumstances. In determining what terms and conditions shall be imposed, the Secretary shall give consideration to recommendations, if any, which may be submitted by the committee.

10. Amend paragraph (c) *Use and refund of excess funds from assessments of § 993.81 Assessments* to read as follows:

(c) *Use and refund of excess funds from assessments.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be used and shall be refunded by the committee in accordance with the provisions hereof. Such excess funds may be used by the committee during the period of five months subsequent to such crop year in paying the expenses of the committee incurred in connection with the new crop year. The committee shall, however, from funds on hand, including assessments collected during the new crop year, distribute or otherwise make available, within six months after the beginning of the new crop year, the aforesaid excess, as verified by audit, to each handler who paid more than his pro rata share of the committee's expenses for the previous crop year. Each such handler's share of such excess shall be the difference between the assessments he paid to the committee in connection with its previous year's operations and his pro rata share of such expenses. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee upon the termination hereof shall be distributed in such manner as the Secretary may direct.

11. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

The following amendment is proposed by the Prune Section of the California Farm Bureau Federation:

12. Amend § 993.34 *Voting procedure and verbatim record* by changing the seventh sentence thereof to read as follows: "Any recommendation submitted to the Secretary by the committee, pursuant to the requirements of §§ 993.41 through 993.45, §§ 993.48 through 993.50 or §§ 993.59 through 993.63, shall be on the basis of an affirmative vote by at least two-thirds of the members present (in case of fractional numbers, expressed in terms of the next highest whole number): *Provided*, That at least 11 members vote affirmatively on any such recommendation.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., W. Allmendinger, Berkeley Marketing Field Office, Agricultural Marketing Service, United States Department of Agriculture, Mercantile Building, Room 416, 2082 Center Street, Berkeley 4, California, or the Prune Administrative Committee, No. 2 Pine Street, San Francisco 11, California.

Dated: March 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-2481; Filed, Mar. 29, 1957;
8:50 a. m.]

[7 CFR Part 1015]

CUCUMBERS GROWN IN FLORIDA

EXTENSION OF TIME FOR FILING EXCEPTIONS

The time within which interested parties may file exceptions to the recommended decision (22 F. R. 1757) of the Acting Deputy Administrator, Marketing Services, with respect to the proposed marketing agreement and order regulating the handling of cucumbers grown in Florida is hereby extended to not later than the close of business on April 10, 1957.

Dated: March 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-2480; Filed, Mar. 29, 1957;
8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IOWA

NOTICE OF PROPOSED WITHDRAWAL AND
RESERVATION OF LAND

MARCH 26, 1957.

The Corps of Engineers, Department of the Army, has filed an application, Serial No. BLM 043913, for the withdrawal of the lands, described below, from grazing, mineral leasing and mining locations and all other forms of appropriation except use for project purposes in connection with the construction, operation and maintenance of the Coralville Dam and Reservoir Project, Iowa.

The applicant desires the land for use as a part of the reservoir area in connection with the Coralville Reservoir Project, Iowa River, Iowa, a Civil Works Project. The land is located within the reservoir area and will be subject to flooding.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

FIFTH PRINCIPAL MERIDIAN, IOWA

T. 81 N., R. 7 W., Sec. 28, Lot 1;

The area described contains 0.33 of an acre.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-2453; Filed, Mar. 29, 1957;
8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND
RESERVATION OF LANDS

MARCH 25, 1957.

An application, serial number Colorado 016655, for the withdrawal from all forms of appropriation under the General mining laws, but not the mineral leasing laws, of the lands described below was filed on February 1, 1957, by the Department of Agriculture, U. S. Forest Service.

The applicant desires the land for use in the Pikes Peak Summit Recreation Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objection in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Cus-

tom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

PIKE NATIONAL FOREST

Pikes Peak Summit Recreation Area

5-Acre Easement granted to Manitou and Pikes Peak Railway for station ground purposes, map for which was accepted by the Department of Interior, March 10, 1890.

Entire area located in S½ Section 7, T. 14 S., R. 68 W.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 57-2454; Filed, Mar. 29, 1957;
8:45 a. m.]

Bureau of Mines

[Regional Administrative Order No. 77-B]

OFFICIALS OF REGION V

DELEGATION OF AUTHORITY TO EXECUTE
CONTRACTS

1. *General.* Pursuant to the authority redelegated to the Regional Director, Region V, by the Director, Bureau of Mines, (subparagraphs 205.2.4A through 205.2.4A (4) of the Bureau of Mines Manual) the following officials of Region V may execute contracts and purchase orders in conformity with applicable regulations, statutory requirements, and the limitations appearing in the above cited subparagraphs of the Bureau of Mines Manual, and paragraphs 2 and 3 of this order:

- (a) Assistant Regional Director,
- (b) Chief, Division of Administration,
- (c) Chief, Branch of Property Management,

(d) Superintendents of stations, administrative officers, administrative assistants, purchasing agents, and certain other employees designated by name at Pittsburgh, Pennsylvania; Morgantown, West Virginia; College Park, Maryland; Norris, Tennessee; Tuscaloosa, Alabama; Gorgas, Alabama; and Minneapolis, Minnesota.

(e) Specifically named individuals recommended by an official listed in (a), (b), (c), and (d) above, and approved by the Regional Director or Assistant Regional Director, to serve as contracting officer for a specific contract in any amount.

2. *Specific redelegations of authority.* The following redelegations of authority are hereby made by the Regional Director to the positions named immediately following each redelegation:

(a) To approve (after review and signature by a purchasing agent at regional headquarters or other authorized con-

tracting officer) all advertised or negotiated contracts in the range \$2,000-\$10,000: Assistant Regional Director.

(b) To review, approve, and sign all purchase orders on General Services Administration or its contractors in the range \$2,000-\$10,000: Chief, Division of Administration; Chief, Branch of Property Management; Purchasing agents at regional headquarters.

(c) To review, approve, and sign all advertised or negotiated contracts in the range \$500-\$2,000: Chief, Division of Administration; Chief, Branch of Property Management; purchasing agents at regional headquarters.

(d) To enter into any modifications and amendments of the contract which are legally permissible, issue change orders and extra work orders, up to \$500 each, pursuant to the contract, and terminate the contract if such action is legally authorized: Chief, Division of Administration; Chief, Branch of Property Management; Purchasing agents at regional headquarters; Contracting officers named in conformance with paragraph 1 (e) of this order.

(e) To approve and sign purchase orders on General Services Administration or its contractors in amounts not to exceed \$2,000, and other purchases (open market) not in excess of \$500: All officials named in subparagraphs 1 (a) through 1 (e) of this order.

(f) To lease space in buildings (consistent with paragraph 2.8.30 of Volume IV, Bureau of Mines Manual), within the geographic area of Region V: Chief, Division of Administration; Chief, Branch of Property Management.

This order rescinds and supersedes Regional Administrative Orders 77 and 77-A.

Dated: March 5, 1957.

EARLE P. SHOUB,
Acting Regional Director,
Region V.

Approved: March 12, 1957.

THOS. H. MILLER,
Acting Director, Bureau of Mines.
[F. R. Doc. 57-2455; Filed, Mar. 29, 1957;
8:46 a. m.]

Bureau of Reclamation

[No. 59]

KLAMATH IRRIGATION PROJECT,
OREGON-CALIFORNIA
ANNUAL WATER CHARGES

MARCH 14, 1957.

1. For irrigation water furnished private lands from Klamath or Lost Rivers and Upper Klamath Lake, the charge shall be \$0.50 per acre-foot for the season of 1957 and thereafter, until further notice.

2. Place of payment: Payment for an estimated requirement shall be made to the Bureau of Reclamation at its Klamath Falls, Oregon, office before the delivery of water is commenced.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

C. H. SPENCER,
Regional Director.

[F. R. Doc. 57-2457; Filed, Mar. 29, 1957;
8:46 a. m.]

ATOMIC ENERGY COMMISSION

WORK EXPERIENCE PROGRAM FOR CIVILIAN APPLICATION

Notice is hereby given of the institution of a program to provide specialized work experience at AEC facilities for scientific and engineering employees of private firms and institutions engaging in the pursuit of peaceful applications of atomic energy.

Designed to encourage widespread participation in the development and utilization of atomic energy through on-the-job training, the program affords employees of participating firms the opportunity to become familiar with nuclear processes applicable to specified uses.

Criteria for participation. Work experience assignments in AEC facilities will be arranged upon application of interested firms and institutions subject to the following conditions: (a) The knowledge and training to be derived from a proposed work experience assignment are not reasonably available outside the facilities of the AEC; (b) the individuals proposed for assignment under the program are qualified by training and experience to take full advantage of the opportunity for learning on the job; (c) work assignments can be arranged without undue burden on the other programmatic work of the AEC facility involved; (d) applicants for work experience assignments involving access to Restricted Data or to security areas must hold an AEC Access Permit, and the individuals proposed for assignment must have appropriate security clearance; (e) available assignment opportunities will, generally, except as provided in (f) below, be extended on the basis of date of receipt of application, and in order to maximize the number of firms and institutions that can participate, AEC reserves the right to limit the number of individuals assigned in the work experience program from any one firm or institution and to establish the duration of their assignments; (f) prior consideration may be given to participants planning to engage in particular types of applications deemed by the AEC to be of special importance to the objectives of the civilian application program.

Method of application. Interested firms and institutions may, as appropriate, address inquiries and applications for participation in the work experience program to the AEC Manager of Operations responsible for administration of applicant's access permit; or to the Manager of Operations having jurisdiction of the facility preferred by applicant for work experience purposes. Applications may also be addressed to the Director, Division of Civilian Application, U. S. A. E. C., Washington 25, D. C.

Contents of application. Each letter of application should contain a description of the participant's project or proposal for a civilian application of atomic energy, and should state the qualifications, including technical education and experience, of individuals being proposed for work experience assignments. The letter of application may also state the type and duration of work experience desired and any preference which the applicant may have for a particular AEC facility or location. Applicants who hold access permits should so state in their letter of application, giving the permit number and listing the categories of information made available under the permit.

Cost and expenses. Participation in the program is on a no-fee basis. Salaries, welfare and benefit plan expenses, insurance premiums, transportation and other items related to the trainee are to be borne by the participating firm or institution.

Upon acceptance for participation, final arrangements will be effected by a contract between the private participating organization and the Commission's operating contractor, subject to the approval of the Commission.

Dated at Washington, D. C., this 20th day of March 1957.

For the Atomic Energy Commission,

DAVID F. SHAW,
Acting Deputy General Manager.

[F. R. Doc. 57-2437; Filed, Mar. 29, 1957;
8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8451]

STERN, HENRY AIR CORP.; INTERLOCKING RELATIONSHIP

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 16, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., March 27, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2485; Filed, Mar. 29, 1957;
8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2145]

PUBLIC UTILITY DISTRICT NO. 1 OF
CHELAN COUNTY, WASHINGTON

NOTICE OF CONTINUANCE OF HEARING

MARCH 25, 1957.

Upon consideration of the motion filed March 21, 1957, by Counsel for Public Utility District No. 1 of Douglas County,

Washington for continuance of the hearing now scheduled for April 3, 1957, in the above-designated matter and the response thereto filed by Counsel for Public Utility District No. 1 of Chelan County, Washington;

Notice is hereby given that the hearing in this matter is postponed from April 3 to be held at 10:00 a. m. on April 9, 1957, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2459; Filed, Mar. 29, 1957;
8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 283]

CHAIRMAN, ATOMIC ENERGY COMMISSION

DISPOSAL OF THE SLICK ROCK HOUSING PROJECT, SLICK ROCK, COLORADO

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, (63 Stat. 377) as amended (hereinafter referred to as "the act"), authority is hereby delegated to the Chairman, Atomic Energy Commission, to dispose of the real property and related personal property comprising the Slick Rock Housing Project, Slick Rock, San Miguel County, Colorado, reported excess by the Atomic Energy Commission on February 6, 1957, by negotiated sale or otherwise, upon such terms as may be advantageous to the United States: *Provided*, That the consideration for any negotiated disposal shall be not less than the appraised fair market value of the property sold.

2. It has been determined by the General Services Administration that the property covered by this delegation of authority is surplus to the needs of the Federal Government.

3. The authority conferred herein shall be exercised in accordance with the act and the regulations issued pursuant thereto.

4. In the case of a negotiated disposal, the Chairman, Atomic Energy Commission, shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203e of the act as amended. A copy of each such statement shall be furnished to the General Services Administration.

5. The authority delegated herein may be redelegated to any officer or employee of the Atomic Energy Commission.

This delegation of authority shall remain in effect until May 31, 1958 and shall be effective as of the date hereof.

Dated: March 26, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-2472; Filed, Mar. 29, 1957;
8:49 a. m.]

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATION

Report of purchases under Domestic Purchase Regulation operating on delegation of authority by Department of Interior under Public Law 733.

JANUARY 31, 1957.

Material	Termination date of program	Unit of measure	Total limitation	Interim limitation	Quantity purchases	
					During January	Inception to Jan. 31, 1957
Asbestos.....	Dec. 31, 1958	Short tons, Crude No. 1 and No. 2	2,000	469	0	365
Columbium-tantalum.....	do.....	Short tons, Crude No. 3	2,000	469	0	225
		Pounds, contained combined pentoxide	250,000	57,559	0	10,184
Fluorspar.....	do.....	Short tons, Acid Grade	250,000	58,647	0	0
Tungsten.....	do.....	Short ton units, tungsten trioxide	1,250,000	293,584	12,115	283,430

¹ Short dry ton.

Dated: March 26, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-2473; Filed, Mar. 29, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 81]

NEW YORK, ONTARIO AND WESTERN RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, an emergency exists on the New York, Ontario and Western Railway Company, because of the cessation of operations under an order of the United States District Court.

It is ordered, That:

(a) Rerouting traffic. The New York, Ontario and Western Railway Company, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions

shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2:00 p. m., March 26, 1957.

(g) Expiration date: This order shall expire at 11:59 p. m., April 26, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., March 26, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-2462; Filed, Mar. 29, 1957; 8:47 a. m.]

[No. 32140]

NEW YORK, NEW JERSEY, AND PENNSYLVANIA

INCREASED COMMUTATION PASSENGER FARES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 26th day of March A. D. 1957.

The Commission having under consideration requests by numerous interested persons for an investigation of increased interstate commutation passenger fares for distances of 15 miles or over, from, to, and between points in the States of New York, New Jersey, and Pennsylvania established on January 27, 1957, March 10, 1957, and later; and for good cause appearing:

It is ordered, That the Commission, upon its own motion, enter upon an investigation into and concerning the reasonableness, and lawfulness otherwise of such increased interstate commutation passenger fares for distances of 15 miles or over, with a view to determining whether such fares are in violation of any provisions of the Interstate Commerce Act, and of making such findings and entering such order, or orders, and of taking such other action in the premises as may be warranted by the record.

It is further ordered, That The Central Railroad Company of New Jersey, The Pennsylvania Railroad Company, The New Jersey and New York Railroad Company (Horace Banta, Trustee), Lehigh Valley Railroad Company, and Reading Company be, and they are hereby, made respondents to this proceeding;

It is further ordered, That a copy of this order be served upon each of said respondents; that the States of New York, New Jersey, and Pennsylvania be notified of this proceeding by mailing copies of this order to the Governor of each State, and to the Public Service Commission of New York, Albany, N. Y., Department of Public Utilities, Board of Public Utility Commissioners of New Jersey, Trenton, N. J., and Pennsylvania Public Utility Commission, Harrisburg, Pa.; and that copies for public inspection be filed in the office of the Secretary of the Commission, and with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be, and it is hereby, assigned for hearing 9:30 a. m. United States Standard Time, April 25, 1957, at the offices of the Board of Public Utility Commissioners of New Jersey, Room 214, Newark Center Building, 1100 Raymond Boulevard, Newark, N. J., before Examiner Oren G. Barber.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-2463; Filed, Mar. 29, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3544]

MANILA ELECTRIC CO. AND GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

MARCH 25, 1957.

General Public Utilities Corporation ("GPU"), a registered holding company, and its foreign public utility subsidiary, Manila Electric Company ("Manila"), having filed, pursuant to sections 9 (a), 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder, a joint application-declaration regarding a proposal by GPU to make advances on open account to Manila, from time to time not later than December 31, 1958, in an amount aggregating not in excess of \$3,750,000,

and subsequently to acquire serial notes or bonds of Manila to evidence such advances; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having this day issued its findings and opinion herein, on the basis of such findings and opinion:

It is ordered, That the declaration of GPU regarding its proposal to advance to Manila on open account, from time to time not later than December 31, 1958, amounts not to exceed an aggregate of \$3,750,000, be, and it is hereby, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed by Rule U-24.

It is further ordered, That jurisdiction be, and it hereby is, reserved with respect to the acquisition by GPU of any serial notes or bonds to be issued hereafter by Manila to evidence the advances herein permitted.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 57-2464; Filed, Mar. 29, 1957;
8:47 a. m.]

[File No. 1-3586]

NIPPON ELECTRIC POWER CO., LTD.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MARCH 26, 1957.

In the matter of Nippon Electric Power Company, Limited; First Mortgage 6½ percent Gold Bonds, due 1/1/53; File No. 1-3586.

American Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, to strike the above-named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

There remain outstanding only \$63,000 principal amount of these bonds and there have been no transactions therein on the applicant Exchange since July 2, 1956. They are a residue whose holders have not exchanged them for extended maturities pursuant to an offer made by the Government of Japan on November 24, 1952.

Upon receipt of a request, on or before April 10, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission,

Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 57-2465; Filed, Mar. 29, 1957;
8:47 a. m.]

[File No. 70-3560]

EASTERN UTILITIES ASSOCIATES ET AL.

ORDER AUTHORIZING AND RELEASING JURISDICTION WITH RESPECT TO ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARIES

MARCH 26, 1957.

In the matter of Eastern Utilities Associates, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company; File No. 70-3560.

The Commission, by order dated March 12, 1957, authorized the issuance and sale by Eastern Utilities Associates ("EUA"), a registered holding company, pursuant to an underwritten rights offering of 89,322 additional common shares. In said order the Commission reserved jurisdiction over the proposal of EUA to use the proceeds from such sale to purchase its proportionate part of the additional common shares proposed to be issued and sold by its subsidiaries, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River"). The record is now complete with respect to such transactions which are summarized below.

Blackstone has outstanding 173,234 shares of common stock of which EUA owns 171,804 shares (99.2 percent). Blackstone proposes to offer to the holders of its common stock 10,828 additional shares at \$105 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 16 shares presently held and their sale is expected to provide proceeds of \$1,132,000 which will be applied to the partial payment of Blackstone's outstanding short-term bank loans. The Public Utility Administrator, Department of Business Regulation, State of Rhode Island, the State commission of the State in which Blackstone is organized and doing business, has expressly authorized the issue and sale of new common stock by Blackstone.

Brockton has outstanding 241,398 shares of common stock of which EUA owns 235,188 shares (97.4 percent). Brockton proposes to offer to the holders of its common stock 18,570 additional shares at \$62 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 13 shares presently held and their sale is expected to provide proceeds of \$1,146,000 which will be applied to the partial payment of Brockton's outstanding short-term bank loans. The Depart-

ment of Public Utilities of Massachusetts, the State commission of the State in which Brockton is organized and doing business, has expressly authorized the proposed issue and sale of new common stock by Brockton.

Fall River has outstanding 212,000 shares of common stock of which EUA owns 207,338 shares (97.8 percent). Fall River proposes to offer to the holders of its common stock 13,250 additional shares at \$52 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 16 shares presently held and their sale is expected to provide proceeds of \$684,000 which will be applied to the partial payment of Fall River's outstanding short-term bank loans. The Department of Public Utilities of Massachusetts, the State commission of the State in which Fall River is organized and doing business, has expressly authorized the proposed issue and sale of new common stock by Fall River.

EUA will purchase its pro rata part of the shares of additional common stock to be issued by Blackstone, Brockton and Fall River as well as any additional shares not subscribed for by other holders. EUA will use the proceeds from its common stock sale and other funds on hand or to be borrowed from banks for this purpose.

In its order of March 12, 1957 the Commission further reserved jurisdiction over all fees and expenses incurred or to be incurred in connection with the joint application-declaration filed by EUA and its subsidiaries, and, by amendment, additional information has been filed with respect thereto.

The Commission finding with respect to the fees and expenses incurred or to be incurred in regard to the various proposals that the same are reasonable and for necessary services and that jurisdiction heretofore reserved over said fees and expenses should be released; and the Commission further finding that the applicable provisions of the act and that the rules promulgated thereunder are satisfied and that no adverse findings are necessary in respect of the transactions proposed in said joint application-declaration not heretofore authorized by the Commission in its order of March 12, 1957; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the joint application-declaration, as amended, of EUA and its subsidiaries in so far as it relates to such transactions should be granted and permitted to become effective forthwith and that jurisdiction heretofore reserved with respect to such transactions should be released:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, to the extent that it relates to proposed transactions not heretofore authorized, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore reserved with respect to (1) all transactions proposed in said joint application-declaration not heretofore authorized by the Commission in its order

of March 12, 1957, and (2) all fees and expenses incurred or to be incurred in connection with said joint application-declaration, as amended be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 57-2467; Filed, Mar. 29, 1957;
8:48 a. m.]

[File No. 70-3568]

COLUMBIA GAS SYSTEM, INC.

**ORDER APPROVING ISSUE AND SALE OF
COMMON STOCK**

MARCH 26, 1957.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder, regarding the following proposed transaction:

Columbia proposes to offer 1,675,415 shares of its authorized and unissued common stock without par value ("New Common Stock") to the holders of its outstanding shares of common stock. The offer will give to such stockholders (a) the Primary Subscription Right to subscribe for shares of the New Common Stock on the basis of one share of the New Common Stock for each thirteen shares of common stock held of record as of the close of business on April 3, 1957; and (b) the Additional Subscription Privilege to subscribe for such number of shares of the New Common Stock as are not subscribed for through the exercise of Primary Subscription Rights, subject (in the event of oversubscription) to allocation based on the number of shares subscribed for pursuant to the Primary Subscription Right. Transferable warrants evidencing the Primary Subscription Right and the Additional Subscription Privilege will be issued to the stockholders on or about April 3, 1957. The subscription period will expire at 3:30 p. m. on April 22, 1957.

The price at which the New Common Stock will be offered to stockholders will be determined by Columbia on April 2, 1957, and will be not less than 85 percent of the closing price of the common stock on the New York Stock Exchange on April 1, 1957.

Fractional shares of the New Common Stock will not be issued. Columbia's agent will provide, without cost, facilities for the purchase of Rights (not exceeding 12) necessary to subscribe for one or more additional full shares of the New Common Stock or for the sale of Rights (not exceeding 12) in excess of those necessary to so subscribe.

The offer to stockholders will be underwritten. Pursuant to Rule U-50, Colum-

bia proposes on March 28, 1957, to invite bids for the purchase, at the subscription price, of such shares of the New Common Stock as are not subscribed through the exercise of the Primary Subscription Right and the Additional Subscription Privilege ("Unsubscribed Shares"). The bids will specify the compensation to be paid to the underwriters for their commitments in connection with the purchase of the Unsubscribed Shares.

This is described as the first step in Columbia's 1957 financing program. The net proceeds from the sale of the New Common Stock will be added to the company's general funds and, supplemented by cash to be generated from operations and additional public financing, will be used to make additional investments in subsidiary companies to aid in financing their 1957 construction programs (estimated at approximately \$84,000,000) and for other investments.

Columbia estimates its fees and expenses in connection with the proposed transaction as follows:

Filing fee, this Commission-----	\$3,015.75
Printing and engraving-----	96,000.00
Cravath, Swaine & Moore, legal services-----	20,000.00
Ralph Davis, engineering services-----	10,000.00
Arthur Andersen & Co., accounting services-----	5,500.00
Bankers Trust Company, subscription agent-----	123,500.00
Transfer agents and registrars-----	48,750.00
System service company (at cost)-----	12,000.00
Original issue tax-----	27,500.00
Listing fees, New York and Pittsburgh stock exchanges-----	9,475.00
Miscellaneous-----	3,000.00
Total-----	358,740.75

Compensation of Shearman & Sterling & Wright, independent counsel to the underwriters, is estimated at \$12,500 plus out-of-pocket expenses not exceeding \$1,500.

Due notice having been given of the filing of said declaration and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and Rule U-50.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 57-2468; Filed, Mar. 29, 1957;
8:48 a. m.]

[File No. 24FW-1082]

NATIONAL BANKERS LIFE INSURANCE CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 26, 1957.

I. National Bankers Life Insurance Company ("Issuer"), a Texas corporation, having filed with the Commission on February 28, 1957, a notification on Form 1-A and an offering circular relating to a proposed public offering of 156,960 shares of its \$1.00 par value stock at \$1.00 a share for an aggregate of \$156,960.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

1. Written offers of securities to which the notification and offering circular relate were made by the Issuer without furnishing the offerees copies of the offering circular as required by Rule 256 (a) (1) of Regulation A;

2. The offering of such securities was commenced prior to the expiration of the waiting period provided for in Rule 255 (a) and as a result the Issuer has received approximately \$156,000.00 from purchasers.

III. It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to National Bankers Life Insurance Company and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given to the Commission.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 57-2469; Filed, Mar. 29, 1957;
8:48 a. m.]